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MARCH 5, 1991

URBAN/MUNICIPAL

AGENDAS / MINUTES OF THE
MEETING OF THE COUNCIL OF
THE CORPORATION OF THE
CITY OF HAMILTON

K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK



THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

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1991 February 28

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GOVERNMENT DOCUMENTS

NOTICE OF SPECIAL MEETING

HAMILTON CITY COUNCIL

Tuesday, 1991 March 05

7:00 o'clock p.m.

Council Chambers

City Hall


City Clerk

AGENDA:

The purpose of this special meeting is to consider the Fourth Report of the Finance and Administration Committee containing recommendations respecting the following:

- (a) Memorandum of Agreement between the City and C.U.P.E. Local 5
- (b) Local 167 Pay Equity/Job Evaluation Memorandum.

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its FOURTH Report for 1991 respectfully recommends:

1. That the Memorandum of Agreement between the Corporation of the City of Hamilton and C.U.P.E. Local 5 dated 1991 February 8, attached hereto as Appendix "A", be approved and implemented in accordance with the terms therein.
2. That the Memorandum of Implementation dated 1991 February 21 for a Joint Job Evaluation Programme between the Corporation of the City of Hamilton and CUPE Local 167 (Admin) and the Regional Municipality of Hamilton-Wentworth and CUPE Locals 167 (Admin); 167 (Macassa); 167 (Health) and 2176 (Wentworth), attached hereto as Appendix "B", be approved and implemented in accordance with the terms therein.
3. That leave be granted to introduce the following Bill:

Bill H-4 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

**ALDERMAN B. HINKLEY, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

John Thompson, Secretary
1991 February 27

THIS MEMORANDUM OF AGREEMENT MADE THIS 8TH OF FEBRUARY, 1991

BETWEEN THE NEGOTIATING COMMITTEES OF:

THE CORPORATION OF THE CITY OF HAMILTON

AND

THE CANADIAN UNION OF PUBLIC EMPLOYEES

LOCAL 5

- I The parties herein agree to the terms of the Memorandum as constituting full settlement of all matters at issue between the parties.
- II The undersigned representatives of the parties agree to recommend unanimously acceptance of all the terms of this Memorandum to their respective principals.
- III The parties herein agree that the term of the Collective Agreement shall be January 16, 1991 to January 15, 1994.
- IV The parties agree that all provisions of the Collective Agreement covering the period January 16, 1989 to January 15, 1991 shall continue in effect as amended by the following provisions.
- V The Collective Agreement shall be amended in accordance with the following, including attachments and such amendments in Appendix "A" shall become effective upon ratification by both parties whose proper officers have appended their signatures hereto unless specifically provided otherwise.

The following are the amendments referred to in item V above:

Appendix "A" as referred to in
Section 1 of the FOURTH Report
of the Finance & Administration
Committee for 1991.

ECONOMIC ADJUSTMENTS

The appropriate Articles of the Collective Agreement shall be amended to reflect the economic adjustments listed below:

All adjustments listed below shall be made on January 16th of each year unless stated otherwise.

	1991	1992	1993
1: Meal Allowance	(\$5.50)	50 cents (\$6.00)	50 cents (\$6.50)
2: Call out	30 minutes paid travelling time		
3: Shift premiums & Weekend premium	(45 cents)	5 cents (50 cents)	5 cents (55 cents)
4: Group Life	(1.5X)	.5 X + a.d.& d. (2X)	(2X)
Retirees Group Life	(1.5X)	.5X (2X)	(2X)
5: Dry Cleaning	insert 23.7 City Agreement into Region Local 5 Agreement		
6: Mileage	to be equal to Local 167 mileage rate		
7: Schedule "A"	4% + 2% July 16, 1991 5% April 16 retroactive to January 16, 1992 5% April 16 retroactive to January 16, 1993		
8: Schedule "A"-Student Rate	\$10.00	\$10.00	\$10.00
9: Each member of Local 5 shall receive no later than thirty days following the date of ratification by both parties a sum of two hundred and fifty (\$250.00) dollars as a GST allowance. Employees must be in the employ of the employer on the date of ratification to be eligible to receive this payment.			

1. SCOPE

- 1.1 The provisions of this Agreement shall apply to all employees employed in the job classification set forth in Schedule "A" attached hereto and forming part of this Agreement and for purposes of clarity the rates of pay set forth in the said Schedule "A" in respect of the job classifications described therein shall apply, during the term of this Agreement, to all employees employed in the said classifications.

Notwithstanding the foregoing, however, any employee hired under a special "make-work program" made available by any level of government shall be excluded from this Agreement excepting that "regular employees" who are transferred to a "make-work" scheme shall retain all rights and benefits under this Collective Agreement.

Prior to a submission of an application for funding from any level of government for special employment programs, the Union shall be provided with a copy of such application. Upon receipt of such application, the Union shall indicate promptly, in writing, its approval or disapproval.

- 1.2 The parties have agreed upon a Job Evaluation Manual of Procedures which shall be supplemental to, and form part of the current Collective Agreement. The Manual of Procedures is established as a guideline to the parties to establish and maintain the Job Evaluation Programme, specifically for the purpose of providing and maintaining the basis of an equitable wage structure and providing the method by which job descriptions and job ratings shall be maintained to meet new and changing conditions and work requirements.

- 1.3 The parties have agreed upon a Rating Manual for Job Evaluation and Wage Administration which shall be supplemental to, and form part of, the current Collective Agreement. The Rating Manual contains basic guides used in analyzing and evaluating the content of a job.

- 1.4 During the term of this Agreement if the Employer establishes any additional positions or job classifications that are not specified in Schedule "A" but which positions or classifications are appropriate for inclusion in Schedule "A" then the Employer agrees,

(a) that the said position or job classifications are to be included in and form part of Schedule "A", and

(b) that the rates for such positions or job classifications are subject to the Job Evaluation Manual of Procedures.

- 1.5 The provisions of this Agreement shall not apply to an employee holding any of the following confidential or supervisory positions:

Department Heads, Deputy Department Heads, Directors, Assistant Directors, Superintendents, Assistant Superintendents, General Foreman, Storekeeper, Assistant Storekeeper, Assistant Foremen/women, Section Foremen/women and temporary Security personnel.

No employee holding a supervisory position shall be permitted to perform any job function normally performed by a member of the bargaining unit as described in Schedule "A" of this Agreement except in cases of emergency or where there is no member of the bargaining unit available.

2. EMPLOYER RESPONSIBILITY

In accordance with The Labour Relations Act, being Chapter 228 of the Revised Statutes of Ontario, 1980, as amended, and The Ontario Human Rights Code, Chapter 53 of the Revised Statutes of Ontario, 1981, as amended, the Employer accepts the following responsibilities:

- 2.1 The Employer recognizes the Union as the Exclusive Bargaining Agent for all employees coming within the scope of this Agreement and more particularly described in schedule "A" and they are hereinafter referred to as "employee" or "employees", whichever is the case. In this Agreement the word "employee" means a person hired by the Employer for a position which is set out in Schedule "A" and who is on the active payroll of the Employer. The Employer further agrees to recognize all Union officers coming within the scope of this Agreement.
- 2.2 The Employer agrees not to interfere with the rights of its employees designated within the scope of this Agreement, to become members of the Union, and there shall be no discrimination, interference, restraint or coercion by the Employer or any of its representatives against any employees because of union membership or lawful union activities.
- 2.3 The Employer agrees that during the term of this Agreement, there shall be no lockout of employees.
- 2.4 The Employer agrees to abide by the Ontario Human Rights Code, being Chapter 53, of the Revised Statutes of Ontario, 1981, as amended, and further agrees that there shall be no discrimination with respect to any employee by reason of the employee's membership or lawful activity in a trade union.

- 2.5 The Employer recognizes and accepts the provisions of this Agreement as binding upon itself and upon each of its duly authorized representatives, and pledges that it and each of its duly authorized representatives will observe the provisions of this Agreement.
- 2.6 The Employer shall distribute the pay cheques in a sealed envelope.
- 2.7 The Employer agrees to forward a copy of the Agenda for each Council meeting, to the Secretary of the Union, by prepaid mail, at the same time the Agenda is distributed to Council members.

5. INCLEMENT WEATHER

- 5.1 The Employer will endeavour to provide inside work in periods of inclement weather during which the employee would normally be employed, subject to the following:
- (a) the employee has completed at least five (5) years of continuous service as of January 1st in any year, and
 - (b) the employee is normally employed on a year round basis.
- 5.2 That each employee of the Employer coming with the Local 5 unit who reports for a day's work, but by reason of inclement weather, is unable to perform any work or is able to perform only part of a day's work, shall be paid by the Employer, the equivalent of four (4) hours work for each day such employee so reports, plus the pay for the time, if any, after the expiration of the first four (4) hours of such day, that such employee actually works, provided that such employee remains ready to perform work during the first four (4) hours of such day, and provided further that such employee for each day he/she so reports and is paid the equivalent of four (4) hours work, shall not receive any additional pay for the first four (4) hours of such last-mentioned day. Inclement weather shall be defined as severe, especially cold or stormy.
- 5.3 In the event that weather conditions should change, the Employer will endeavour to recall employees sent home under Section 5.2 of this Article, but the four (4) hour minimum shall not be duplicated in the same day.
- 5.4 The procedure for establishing that inclement weather exists shall be as follows:
- (1) The Foreman/woman shall upon concluding that inclement weather exists in his/her work area, contact:

- (a) Superintendent of Districts
- (b) Horticulturist
- (c) Superintendent of Parks Maintenance
- (d) Superintendent of Operations - Fleet Services
- (e) General Foremen/Women - Cemeteries
- (f) General Foreman - Sanitation

or those senior supervisors appointed by the Director of Public Works from time to time who will apply the decision on whether or not inclement weather exists and relay their decision to the Foreman/woman in charge of the work crew.

- (2) The Foreman/woman will then advise the crews under his/her supervision of the decision and will instruct the crew or crews to either:

- (a) continue with their work
- (b) discontinue the operation

6. OVERTIME COMPENSATION

For the purpose of this overtime article all references to "employee(s)" shall be construed as referring to "regular employee(s)" as defined in Article 13.13(d).

- 6.1 Compensation at the rate of time and one-half (1 1/2) of the standard rate per hour as set forth in Schedule "A" of this Agreement shall be paid for all work performed in excess of eight (8) hours per day or in excess of the standard hours per week as outlined in Article 4 provided that both daily and weekly overtime shall not be paid for the same hours, except that overtime compensation shall not apply to such hours of work in excess of eight (8) hours per day necessitated by shift changes provided that employees working on a shift schedule are off duty for a period of not less than eight (8) hours between shifts.
- 6.2 Compensation at two (2) times the standard rate per hour as set forth in Schedule "A" of this Agreement shall be paid for work performed in excess of twelve (12) continuous hours Monday through Friday. Unpaid meal periods shall not be considered as part of "continuous hours worked". "Continuous hours worked" shall not be considered broken by:

- (a) unpaid meal periods, or

(b) time taken for sustenance under Article 6.11 of this Agreement.

6.3 Compensation at time and one-half (1 1/2) times the standard rate per hour as set forth in Schedule 'A' of the Agreement shall be paid for all overtime work performed on Saturday, but double time (2) shall be paid for all work performed in excess of twelve (12) continuous hours. Unpaid meal periods shall not be considered as part of "continuous hours worked". "Continuous hours worked" shall not be considered broken by:

(a) unpaid meal periods, or

(b) time taken for sustenance under clause 6.11 of this Agreement.

6.4 Compensation at two (2) times the standard rate per hour as set forth in Schedule "A" of this Agreement, shall be paid for all overtime performed on Sunday.

6.5 An employee may be allowed to place accumulated overtime in a lieu time bank, drawing from and adding to said bank, the maximum balance in the lieu bank shall never exceed eight (8) converted hours of overtime. Employees may draw from their lieu time bank to compensate unpaid leave. This lieu time shall be granted at a time mutually agreed to by the employee and the Department Head taking into account the operational requirement of the section in which the employee works.

An employee shall not be allowed to carry over any unused lieu time, therefore, the Department Head shall initiate payment for same by December 31st annually.

6.6 Due to the nature of operations and shifts, an employee whose scheduled days off occur during the week, shall have his/her first day off designated as Saturday and his/her second day designated as Sunday. The employee shall be paid in accordance with Articles 6.3 and 6.4. The employee shall be paid double time (2) for any shift worked on his/her second day off even if he/she has not been called into work on his/her first scheduled day off.

6.7 An employee

(a) who is sent home at any time or times during the week because of lack of work or inclement weather, or

(b) who is absent at any time or times during the week because of illness or accident, or

(c) who is absent from his/her regular duties, on approved leave of absence, while attending to Union business either within or without the Collective

Agreement,

shall be treated for the purpose of calculating overtime in respect of his/her normal work week as if he/she had worked his/her standard hours of work on such day or days and shall be paid for all hours of work performed by him/her in excess of his/her normal work week at the overtime rates specified in this Article 6.

6.8 Where a Statutory or Proclaimed Holiday occurs on, or is celebrated on any working day, an employee who does not work his/her regular shift on such day, shall be deemed to have worked his/her regular shift on any such day for the purpose only of computing his/her normal work week under the circumstances described in clause 6.7 of this Agreement.

6.9 Overtime shall be defined as:

- (a) Continuation of the work day
- (b) Scheduled
- (c) Call-Out
- (d) Stand By

Sections, for purposes of this clause shall be:

- 1) Garbage
- 2) District #1
- 3) District #2
- 4) District #3
- 5) District #4
- 6) District #5
- 7) District #7
- 8) Parks East and Parks East by Satellite Park
- 9) Parks West and Parks West by Satellite Park
- 10) Sports Facilities by Facility
- 11) Forestry
- 12) Beautification
- 13) Greenhouse
- 14) Chedoke Golf Course
- 15) King's Forest Golf Course
- 16) Woodland Cemetery
- 17) Hamilton Cemetery
- 18) East End and Mountain Cemeteries
- 19) Surface Treatment Crew
- 20) Crack Sealing Crew
- 21) Asphalt Crew
- 22) Fleet Services
- 23) Garage - each individual satellite location
- 24) Recreation by Rink and Pool
- 25) Property Maintenance

(a) Continuation of the Work Day

- i) Overtime that is a continuation of the work day shall be performed by the employee on the job in the Garbage Section.
- ii) In all other sections, such overtime shall first be offered in seniority order, to employees in the classification in the section at the time the work is available.
- iii) In the event that insufficient volunteers are obtained through the application of (ii) above, overtime shall then become compulsory for employees in the classification in the section where the work is required in reverse order of seniority to the extent that this is made necessary by the amount of work that is available to be performed.
- iv) In the event that insufficient employees are obtained through the application of (ii) and (iii) above, overtime will then be offered in seniority order to qualified employees in the section where the work is available.
- v) In the further event that insufficient employees are obtained through the application of (iv) above, the overtime shall then be offered in seniority order to employees currently at work in the same classification as had been canvassed as per (ii) above in the division in which the work is available.

Divisions for the purpose of this clause shall be as follows:

- 1) Sanitation
- 2) Streets
- 3) Parks Maintenance
- 4) Parks Facilities
- 5) Forestry
- 6) Beautification and Greenhouse
- 7) Golf Course
- 8) Cemetery
- 9) Specialty Crew
- 10) Fleet Services
- 11) Culture & Recreation
- 12) Property Maintenance

Notwithstanding the above, where overtime is required in Fleet Services with respect to work that is of a nature that no interruption in the work should occur such overtime shall be performed by the employee on the job. Such overtime shall be

distributed as equitably as possible amongst all qualified mechanics.

In all other sections the employee on the job shall continue performing the work until the senior qualified employee is able to be moved to the work site. This continuation of work shall be for no more than one (1) hour.

(b) Scheduled

(i) Overtime that is scheduled shall be offered to employee(s), in seniority order, to the employee(s) who are in the classification in the section at the time the work is available.

ii) In the event that insufficient volunteers are obtained through the application of (i) above, overtime shall then become compulsory for employees in the classification in the section where the work is available in reverse order of seniority to the extent that this is made necessary by the amount of work that is available to be performed.

(iii) The exception to the foregoing shall be as follows:

GARBAGE - In the event that overtime may be required to be scheduled, employees shall be contacted, in seniority order, in the classification in the section. When the requirement for workers is not able to be met in the Garbage section, employees in Group 1, then Group 2, then Group 3, and finally Group 4 as listed as follows shall be contacted. Within each group the overtime shall be offered in seniority order.

Group 1 - Sections 2 - 7, 21 - 23
Group 2 - Sections 8 - 12, 26 - 31
Group 3 - Sections 13 - 17
Group 4 - Sections 18 - 20

(c) Call-Out

i) A Call-Out is defined as any situation requiring an employee to be called from his/her residence by an authorized official of the Employer to do necessary work for the Employer and then return to his/her residence outside regular working hours.

ii) In the event that employees are required to be called from home to perform overtime work, employees shall be called in seniority order in the

classification in the section where the overtime work is available to be performed. An employee of lesser seniority called to perform such work as a result of senior employee(s) not being available shall work the full term of such overtime and this situation shall not be grievable by the more senior employee. Employees called out to work overtime shall be compensated as per (iii) below.

iii) Call-Out shall be paid at overtime rates of time and one-half (1 1/2) for all such call-out for the period Monday through to and including Saturday. Call-Out time on Sunday shall be at the rate of double time (2). An employee called out shall be guaranteed a minimum of four (4) hours of work.

d) Stand By Duty (except Winter Operations)

i) Stand-by duty commences at the regular quitting time of one (1) working day and terminates at the regular starting time of the following day.

ii) Stand-by duty on weekends commences at the quitting time on the last regular working day prior to a weekend and terminates at 7:00 a.m. or 8:30 a.m. of the next regular working day.

iii) An employee who is scheduled for Stand-by Duty shall be entitled to receive three (3) hours of pay at his/her standard hourly rate for each weekday night so scheduled, and shall be entitled to six (6) hours of pay at his/her standard hourly rate for each Saturday, Sunday, and Statutory or Proclaimed Holidays.

iv) Stand-by duty shall be equally divided among the qualified employees by classification by section.

v) Without restricting the meaning of this Article, Stand-by Duty shall be scheduled and assigned as follows:

No employees shall be required to perform stand by duty until he/she is furnished with prior written instructions by his/her immediate supervisor.

vi) It is expressly understood that those employees who are placed on stand by duty shall be the first to be called in to perform any overtime work for which they are qualified by classification by section that arises during the period of time that they are on stand by.

This clause 6.9 is subject to the following conditions:

- (a) An employee who is not at work on the day on which overtime occurs or on his/her last scheduled day prior to the overtime shall not be entitled to overtime until he/she returns to work. The only exception to this shall be the employee who is absent on his/her last scheduled day prior to the overtime for either Union business or his/her scheduled Floating Holiday; in this event the employee shall be required to contact his/her Foreman/woman within the first two (2) hours of his/her regular shift to confirm his/her availability and to receive confirmation of the scheduling of overtime.
- (b) On a call-out where we have exhausted the existing workforce, the Employer agrees to call out those employees on vacation who have previously indicated a desire to be called.

For the purpose of overtime calculation:

- lost vacation shall be re-scheduled but shall not take precedence over any other employee's scheduled vacation;
- overtime shall be calculated as if the employee had worked his/her standard hours of work on such day;
- beyond the first overtime shift the employee shall be considered to have returned to work and all relevant provisions of the Agreement shall apply;
- the employee may elect to return to vacation at any time and there shall be no further obligation on the Employer to contact the employee for overtime purposes.

6.10 Provisions shall be made for an employee to indicate at the end of his/her shift that he/she is not available for overtime.

6.11 An employee required to work overtime, following the completion of his/her regular hours of work, which continues in excess of two (2) hours, shall be eligible for a meal period at a time mutually agreed between the employee and his/her immediate Supervisor. In the event overtime continues, such an employee shall become eligible for further meal periods at intervals of four (4) consecutive hours following the completion of the previous meal period provided that overtime is to continue. Regardless of the time of the initial meal break, for the purpose of this clause, it shall be deemed to have been taken after the completion of two (2) hours of such overtime worked. An employee shall be entitled to sustenance up to \$5.50 for each meal break that he/she is

entitled to under the provisions of the foregoing.

- 6.12 No premium pay shall be paid for regularly scheduled working hours except in emergency situations where an employee(s) works beyond twenty-four (24) continuous hours; in this event, pay shall continue at two (2) times the standard rate per hour as set forth in Schedule "A" of this Agreement until the employee has been off duty for a period of not less than eight (8) hours between shifts.

If, in an emergency situation, an employee remains at the workyard at the Employer's direction for a rest period prior to returning to work, he/she shall be paid straight time while in the yard. When he/she returns to work duties overtime shall re-commence as if there had been no break in work.

- 6.13 Call out of employees for emergencies shall be based on seniority within the shift commencing or finishing at a time not more than four (4) hours from that emergency. All general call out will be as directed in 6.9.

9. ANNUAL VACATION/CITY

- 9.1 An employee shall be granted, except as otherwise expressly provided herein, an annual vacation with pay according to his/her aggregated credited services as follows:

<u>Column I</u> <u>Years of Service</u>	<u>Column II</u> <u>Vacation With Pay</u>
1 year	2 weeks and thereafter
3 years	3 weeks and thereafter
7 years	4 weeks and thereafter
15 years	5 weeks and thereafter
18 years	5 weeks and 1 day and thereafter
19 years	5 weeks and 2 days and thereafter
20 years	5 weeks and 3 days and thereafter
21 years	5 weeks and 4 days and thereafter
24 years	6 weeks and thereafter
27 years	7 weeks and thereafter

- 9.2 Notwithstanding the schedule of vacation leave previously noted, an employee, who has been granted and taken vacation leave and terminates his/her employment with the Employer before the anniversary date when the employee commenced work, shall have the unearned portion of vacation leave deducted from his/her termination pay as per Article 10.

- 9.3 An employee's vacation period and pay shall be based on

his/her standard week and his/her standard rate of pay but shall not include any shift premium, overtime or other increments.

- 9.4 Pay for a week's vacation with pay for hourly paid employees shall be the basic hours worked per week multiplied by the employee's standard rate per hour paid on a weekly basis, but shall not include any shift premium, overtime or other increments.
- 9.5 Pay for a week's vacation with pay for salaried employees shall be the employee's basic salary paid per week on a weekly basis but shall not include overtime, shift premium or other increments.
- 9.6 The vacation period shall commence from and include January 1st and continue to and include December 31st of the same year. All employees are expected and encouraged to take their vacation during the current year.

However, it is understood that special circumstances may develop which would make it desirable for an employee to carry over up to one (1) year's vacation entitlement to the immediately following year. Requests to carry over vacation must be submitted in writing not later than September 1st in any year and will be subject to the approval of the Department Head concerned.

Notwithstanding the foregoing, it is understood that an employee, upon exhausting his S.T.D. benefits, may exercise his/her option of utilizing any vacation entitlement currently standing to his/her credit, before being placed on L.T.D.

- 9.7 When a Statutory Holiday falls on a day of the scheduled vacation, an employee shall be entitled to an additional day of vacation. The additional day or days are to be granted at a time which shall not interfere with the efficient operation of the Employer's business or disrupt the vacation period as scheduled for other employees.
- 9.8 On or before the 1st day of March in each year, the Employer shall circulate lists so that each employee may write in his/her choice of vacation dates. When preparing the annual vacation schedule, the Employer shall, subject to its right to maintain the efficiency of its operation, give the choice of vacation dates, by section, to employees with the greatest seniority, provided they give notice of such choice not later than the 1st day of April. The vacation schedule shall be completed on or before the 1st day of May in each year and when completed, copies shall be posted on the bulletin boards in the departments concerned. An employee who changes positions through a job posting after April 1st will have to alter his/her vacation schedule to meet the posted schedules of the new section, if necessary.

In the classification of Rink Attendants, at any one time one employee will be allowed vacation during the period December 15 to January 10. This shall be done in seniority order.

9.9 Where an employee who is entitled to Short Term Disability benefits is on vacation and is,

- (a) hospitalized, or
- (b) convalescing following hospitalization, or
- (c) in home care under O.H.I.P., following hospitalization

there shall be no deduction from vacation credits for such absence. The period of vacation so displaced shall either be added to the vacation period or reinstated at a later date at the employee's option.

9.10 Where an employee is on vacation and is entitled to bereavement pay under the terms of Article 14.2, there shall be no deduction from vacation credits for such absence. The period of vacation so displaced shall either be added to the vacation period or reinstated at a later date at the employee's option.

9.11 All vacations granted in any year shall be determined on the basis of the aggregate credited service of the employee and such service is to include any period or periods of paid absence due to sickness (certified by a medical practitioner), accident while on duty, or leave of absence for Union Business. All other periods of absence, other than those noted above, will reduce an employee's vacation entitlement in the same proportion as the factor by which the period of absence relates to the full calendar year.

9.12 Within the first calendar year of employment, an employee will, upon request, be granted one (1) week leave of absence without pay, at a time suitable to the Department Head. To qualify for this leave, the employee must have completed his/her probationary period. No part of this leave may be carried forward into the next calendar year. —

12. SICK LEAVE, PENSION AND GROUP MEDICAL AND HOSPITALIZATION PLANS

12.1 The benefits provided hereunder shall continue for the life of this Agreement.

12.2 The Employer shall pay the full cost of the premiums for all benefits provided hereunder.

12.3 On completion of three months service with the Employer, an employee shall be entitled to the following benefits:

- (a) Group Life Insurance with benefits equal to one and one half (1 1/2) the annual basic wage rate of the

employee to the nearest one thousand dollars.

- (b) Extended Medical as outlined in Schedule "B" attached.
- (c) Dental care plan, as per the attached Schedule, under the terms of the current Ontario Dental Association (O.D.A.) schedule.
- (d) Vision care plan to cover the employee and his/her dependents (\$100 every 2 years); effective January 16, 1990 (\$200 every 2 years).
- (e) Effective January 16, 1990, Chiropractor service qualifies as a charge but only to the extent that the Chiropractor qualifies in accordance with the laws of the Province in which he/she is practising within the scope of his/her licence.

The maximum charge for each visit is not to exceed the schedule of fees approved by the Association of which the practitioner is a member, and where there is no approved schedule of fees, the charge must be reasonable.

The maximum is \$200 per person per calendar year.

12.4 The Employer shall pay the cost of maintaining the enrolment of all employees in O.H.I.P. as per the regulations.

12.5 All employees shall be enroled in the Ontario Municipal Employees Retirement System (O.M.E.R.S.). The Employer shall pay only the Employer's required contribution.

12.6 On completion of the probationary period an employee shall also be entitled to the following benefits:

- (a) Short Term Income Protection detailed in the attached plan. The provisions of the "Cumulative Sick Leave Allowance" Bylaw, as amended, shall continue as modified by the Income Protection Plan.
- (b) Long Term Disability plan detailed in the attached plan.

12.7 The Employer agrees to pay full coverage for all benefit plans for laid off employees for a period of up to six (6) months providing the employee has completed his/her probationary period. Benefit plans shall mean dental, drug, vision care, group life and Ontario Health Insurance.

12.8 (a) Any dispute over the payment of benefits shall be adjusted between the employee and the Insurance Company.

- (b) The Employer will use its best efforts to assist the employee in dealing with the Insurance company and agrees to provide all documentation and consultation when requested by the employee or by the employee and Union.
- (c) The Employer agrees to provide that the employee and a Union representative, if the employee so chooses, may deal directly with the Insurance company regarding any dispute over payment of benefits.
- (d) The Employer agrees to provide the Union with copies of all relevant Insurance policies.

12.9 The Union agrees that the Employer may allocate the Unemployment Insurance Premium Rebate received for each employee towards the annual cost of benefit plans.

12.10 The normal date of retirement for employees shall be the first day of the month following that in which the employee attains his/her 65th birthday.

12.11 Certificates covering any illness or injury will not be accepted by the Department later than two (2) weeks following such illness or injury unless there are extenuating circumstances made known to the Department by the third day of the illness or injury.

12.12 The Employer reserves the right to change the carrier of any of the benefit plans provided that the level of benefit coverage is not decreased. Notice of such change of carrier will be communicated to the Union prior to the change.

12.13 Whenever an employee recovers from a third party, any amount claimed for loss of wages or sick leave, he/she shall repay to the Employer forthwith the amount of all monies paid to him/her by the Employer, in respect of the period for which such amount is recovered from the third party, provided that the amount to be repaid to the Employer shall not exceed the amount recovered from the third party.

In the event the employee repays to the Employer the amount of sick leave paid, the attendance record shall be altered in the following manner:

- (a) the number of occasions recorded for this absence shall be removed;
- (b) the number shall be amended to appear as a leave of absence;
- (c) the sick bank, if utilized, shall be restored to its former balance;

- (d) vacation entitlement shall not be effected by this amendment.

12.14 The following benefits will be provided to any employee retiring under the OMERS 90 factor, or any employee between the ages of 55 and 65 who retires on an early OMERS or Workers Compensation disability pension if he/she has a minimum of ten (10) years continuous employment with the Employer at the time of retirement:

Ontario Health Insurance Plan
Extended Medical Plan
Vision Care Plan
Dental Care

Life Insurance (1 1/2 times the annual salary of the employee at time of retirement rounded to the nearest one thousand dollars).

The following conditions apply:

- (a) The OHIP coverage listed above will automatically cease at the appropriate time if the employee's spouse attains the age of 65 before the employee does.
- (b) The above benefit coverage terminates on the last day of the month in which the employee attains age 65, or in which his/her death occurs.
- (c) The above benefit coverage will only be available to retirees if benefit coverage is not available through other means (i.e. other employment or spousal coverage).

12.15 The Employer has the right to direct any employee who has incurred six (6) or more absences in two (2) consecutive years to a counselling or medical facility of the employee's choice. The Employer shall pay the full cost of the counselling or medical intervention program.

The employee has the right to refuse such direction, however, in the event of such refusal, the employee shall be considered to have received such counselling or medical intervention.

13. SENIORITY

13.1 Employees with less than 6 months aggregate service with the Employer shall be considered probationary. Such employees shall attain seniority rights only after completion of such probationary period.

13.2 (a) (i) Seniority for the purpose of this Agreement shall be defined as the length of aggregate service of

an employee in the scope of Local 5 with the Employer, uninterrupted by severance of service with the Employer other than lay-off as provided for in the Collective Agreement.

- (ii) Total service with the Employer will be the governing factor for seniority for those employees in the bargaining unit prior to January 16, 1980.
 - (iii) The intent of the foregoing is to apply for purposes of lay-offs, recalls and promotions.
- (b) On completion of the probationary period, an employee shall be classed as a regular employee and shall be entitled to:
- (i) progress from the hiring rate to the permanent rate established for the job;
 - (ii) a seniority date reflective of his/her aggregate service;
- (c) An employee laid off prior to completion of his/her probationary period, when called back, shall continue his/her probationary period from where it was interrupted.

13.3 Seniority shall be based on bargaining unit-wide seniority.

13.4 The Employer agrees to compile and post yearly, in the month of January, and make available at the Human Resources Centre, a list of the names of all employees, showing the seniority standing of each employee.

13.5 Protests regarding seniority standing must be submitted by the Union in writing to the Commissioner of Human Resources within thirty (30) days from the date seniority lists are posted. When proof of error is presented by an employee or his/her representative, such error shall be corrected and when so corrected the agreed upon seniority date shall be final. No change shall be made in the existing seniority status of any employee unless concurred in by the Union.

13.6 The Union recognizes that employees:

- (a) who are hired in an emergency situation; or
 - (b) who are students and who are hired for school vacation periods; or
 - (c) who are hired on make work schemes initiated by either the Federal or Provincial Governments
- shall not be classed as "regular employees" and shall

not attain seniority. However, regular employees who are transferred to a make work scheme shall retain all rights and benefits under the said Collective Agreement.

- 13.7 No student coming within the scope of the Local 5 Agreement shall continue to be employed beyond the second pay week in September in any year.

No student shall be afforded any privileges not available to regular employees.

- 13.8 An employee's seniority rating and credited service shall be broken by reason of:

- (a) dismissal for just cause; or
- (b) voluntary resignation in writing; or
- (c) failure to report for work within a period of two (2) days of recall and further five days after sending a telegram of notice to return to work; or
- (d) absence without leave; or
- (e) a lay-off extending continuously for a period of ten (10) months.

- 13.9 Employees who are not in receipt of pay for work performed for a period of 30 months for any reason other than lay-off, shall be terminated at the end of the 30 months period, inclusive of Short Term Disability following consultation with the Union. This shall not apply to employees presently in receipt of W.C.B. benefits except permanent pensions.

Any vacation or lieu time paid out during the aforementioned thirty (30) month period shall not constitute receipt of pay for the purposes of this clause.

- 13.10 Employees with less than six months accumulated aggregate service with the Employer shall be considered as probationary employees and will have no seniority rights until such time as they have completed six months of accumulated aggregate service.

- 13.11 Definitions for the purpose of defining seniority in this Agreement:-

- (a) "Accumulated Aggregate Service" is service in the scope of Local 5 uninterrupted by severance of service with the Employer, other than lay-off, as provided for in the Collective Agreement.
- (b) "Probationary period" is a period of six months of accumulated aggregate service as defined above.
- (c) "Probationary Employee" is an employee with less than six months of accumulated aggregate service as defined above, and will have no seniority rights.
- (d) "Regular Employee" is an employee who has completed a

probationary period of six months of accumulated aggregate service as defined above.

13.12 Time spent in the service of the Employer as a student shall not count towards a probationary period or accumulated aggregate service as defined in 13.11 (a) and (b).

14. LEAVE OF ABSENCE

14.1 Employees requesting time off for the purpose of attending Labour Conventions or other Union Business not connected with this Agreement, shall be granted such time off without pay subject to the following conditions:

- (a) number of employees not to exceed seven (7) for each period of leave, and
- (b) maximum days not to exceed forty (40) days in any calendar year, and
- (c) the number of employees from any one department or sub-department in the case of large departments shall be limited to one (1), save and except that the Employer shall give consideration to a request by the Union that more than one (1) employee from a department or sub-department in the case of large departments, be permitted leave of absence, and
- (d) the Union shall notify the Commissioner of Human Resources in writing of the names of the employees to be granted time off under the conditions as outlined in this Article, not less than three (3) working days before such leave is to be taken.

Should an emergency situation arise, the President, or his designate, shall telephone the Commissioner of Human Resources, or his/her designate, directly to request the leave of absence for the employee and the Commissioner of Human Resources shall authorize such leave only after checking with the Department Head to see if such leave can be accommodated. Overtime for replacement employees shall be a valid reason for denial.

The Union shall pay the cost of all premium time resulting from leaves of absence for Union business other than those absences that are as a result of contract administration.

14.2 An employee shall be granted three (3) regularly scheduled consecutive work days' leave of absence without loss of pay or benefits in the event of the death of his/her spouse, common-law spouse, child, stepchild, parent, foster parent, adopted parent, parent-in-law, brother or sister, brother-in-

law or sister-in-law, grandparent or grandchild.

The following definition of spouse will be used to determine the entitlement of employees who are in "common-law" relationships, to bereavement leave in the event of the death of any of the individuals listed above.

"Spouse" means either of a man and woman who are not married to each other and have co-habitated,

(a) continuously for a period of not less than three (3) years, or

(b) in a relationship of some permanence, if they are the natural or adoptive parents of a child

The Commissioner of Human Resources, or his designate, may require an employee to provide satisfactory evidence confirming the employee's status as a "spouse" in accordance with the above definition.

Such bereavement leave shall be taken at the time of that bereavement or at the time the employee received notification of such bereavement. Proof of bereavement may be required by the Commissioner of Human Resources.

Where the burial occurs outside the Province, reasonable travelling time up to five (5) working days without pay may be granted at the discretion of the employee's Department Head.

In order to receive the paid leave provided for in this Clause, absence must result in loss of time and pay from a regular shift and the employee must have worked the day before or the day after, provided that an employee granted leave without pay for compassionate purposes within two (2) weeks prior to death shall not lose benefits under this Clause.

14.3 One employee designated by the President of Local 5 (or his/her alternate) from time to time shall be granted one day off with pay for the purpose of attending the funeral of a member of Local 5 or a retired member of Local 5.

14.4 Members of Joint Union/Management committees including but not limited to Grievance Committee, Labour/Management Committee, Joint Occupational Health and Safety Committees, shall be granted leave of absence with pay for attendance at all meetings with officials of the Employer necessary to the administration of this agreement, including, but without limiting the generality of this section, any meetings or hearings with any Committee or Board necessary to or incidental to the administration of this Agreement.

- 14.5 The Grievance Committee shall be composed of three (3) members, one of whom shall be the Chairman. All members of the Grievance Committee shall be employees of the Employer.
- 14.6 All members of the Negotiating Committee, including the Chairman, shall be employees under this Agreement.
- 14.7 Members of the Negotiating Committee shall be granted leave of absence with pay for attendance at all meetings with Officials of the Employer, including with any Committee, Board or other duly constituted statutory authority, arranged or called for the purpose of
- (a) negotiating or determining any matter arising during the terms of this Agreement, or
 - (b) bargaining with the view towards
 - (i) an extension of or renewal of, with or without modification, this Agreement, or
 - (ii) the making of a new Agreement.
- 14.8 The Union agrees
- (a) to furnish the Employer with a list of its Negotiating Committee Members, but the said Committee is to be comprised of not more than seven (7) members, and
 - (b) to notify the Employer in writing of any changes in such Committee Members.
- 14.9 An employee who is required to serve as a juror, or as a witness in any court, shall be paid his/her regular rate of pay for his/her normally scheduled working hours for any day or part of a day that he/she is absent because of such service. Jury duty pay, less reasonable expenses incurred by the employee as a result of serving as a juror, or as a witness, shall be paid to the Treasurer of the Employer on receipt thereof by such employee.
- 14.10 The Employer will grant leave of absence without loss of seniority to an employee selected for a full time position with the Union or elected to a public office for his/her term of office.
- 14.11 While on such leave of absence as set out in 14.10 the employee may make the full contribution to continue his/her medical, hospital, pension and other benefits under the Agreement. However, there shall be no obligation by the Employer to make contributions to any of the foregoing premiums on the employee's behalf. The employee's Sick Leave Bank shall remain intact but he/she shall not accumulate further credits during such leave of absence.

14.12 An employee who is granted a personal leave of absence without pay of one month or longer shall pay the full cost of available benefits during the leave. Service and seniority shall not accumulate during such leave. Granting of personal leaves of absence shall be at the sole discretion of the Employer.

14.13 Maternity/Paternity leave shall be granted on the conditions as set out in the Employment Standards Act of the Province of Ontario.

14.14 The Employer will grant a leave of absence with pay to employee(s) enrolled in the Literacy in the Workplace program to the extent that, in management's opinion, operational requirements permit.

15. PROMOTION AND REDUCTION OF STAFF

15.1 Notice of vacancies shall be posted in a prominent place in all work locations. Applicants will have five (5) working days from the date of posting to apply for such vacancy. Date of posting shall be entered on the notice when it is posted. The notice shall include:

- (a) Educational requirements
- (b) Experience requirements
- (c) Special qualifications required
- (d) Wage Rate
- (e) Number of positions available.
- (f) Bargaining Unit

15.2 When vacancies occur in the bargaining unit in a higher or lower classification, the applicant shall be awarded promotion subject to the following:

(a) Both parties recognize:

(i) The principle of promotion within the service of the Employer

(ii) That job opportunities should increase in proportion to length of service.

(iii) That skill and experience acquired on the job are factors to be considered when assessing the knowledge, efficiency and ability of an applicant to do the work of the job.

(b) In promotions and demotions, the following factors should be considered:

(i) seniority

(ii) knowledge, efficiency and ability to do the work of the job

(iii) physical fitness

and when factors (ii) and (iii) are relatively equal in the judgement of the Employer, which shall not be exercised in an arbitrary or discriminatory manner, factor (i) shall govern.

The Union acknowledges that in matters of promotion the function of the Union in dealing with complaints or grievances arising out of such promotions will consist of satisfying itself that all relevant facts and circumstances relating to an employee qualifications as outlined in 15.2 (a) and (b) above, have been adequately and justly considered by the Employer and any grievance arising out of promotions shall be confined to these considerations.

The provisions of this clause shall not apply to transfers which are defined as a lateral move within a job classification. Transfer requests are subject to the provisions of Article 31.4.

15.3 In all cases of lay-off and recall after lay-off, such lay-off or recall shall be made with seniority being the governing factor provided the employee retained or recalled can perform the work in a satisfactory manner.

15.4 If an employee is promoted or appointed to a position, whether included in or excluded from the scope of this Agreement, and within sixty (60) working days proves unsatisfactory or if the employee feels he/she cannot perform the job function in his/her new position, he/she shall be returned to his/her former position without loss of seniority or wage rate. Any other employee promoted or transferred because of the rearrangement of positions shall also be returned to his/her former position without loss of seniority.

15.5 In the event of a temporary transfer to a position outside the bargaining unit, the employee shall retain seniority within the bargaining unit for a period of up to six (6) months. During this six (6) month period the employee shall pay union dues to both units, as may be applicable. The employee shall have the right to return to his/her former position in the bargaining unit at any time during the six (6) month period with full seniority. Thereafter the employee's seniority within this unit will cease.

Before a temporary transfer to a position outside the bargaining unit may be renewed the position must first be posted and the previous holder of the temporary position must return to the bargaining unit for a period of a least ten (10) working days. The Union shall be informed of the return

to the bargaining unit by the employer of an employee from a position outside the unit.

- 15.6 No new employee will be hired until those laid off (who have sufficient ability to perform the work required) have been given the opportunity to rehire.
- 15.7 The Employer shall provide notice of lay-off in accordance with the Employment Standards Act to the employee affected in the first instance. Such notice shall be considered to be notice of lay-off and shall contain the possible date of recall and such notice shall also be provided to the junior employee. A copy of this notice of lay-off will be sent to the Union and also posted in a prominent place in the department affected.
- 15.8 The Employer agrees that, within a period of thirty (30) working days of the posting by it of a new position or classification, a job description for the said position or classification is to be delivered to the Union and which job description shall form and shall be deemed to form a part of this Agreement unless the Union objects to any or all of the said job descriptions within a period of sixty (60) working days after receipt thereof, except this period may be extended by mutual consent. If request for extension does not exceed two (2) weeks, such extension shall not be refused by either party. In the event there is an objection, said objection is subject to the provisions of Articles 18 and 19 of this Agreement, except that it is to be processed commencing with step two (2) of the grievance procedure set forth under Article 18.
- 15.9 Any classification set forth under Schedule "A" to this Agreement that is altered or varied by the Employer is subject to the provisions of the Job Evaluation Manual of Procedure.
- 15.10 An employee replacing another employee for three (3) hours or more on a shift shall receive the higher of the two rates involved for that shift to be computed on a daily basis.
- 15.11 In the event of lay-off within the Local 5 Bargaining Unit, members of the Executive Board of Local 5, Grievance Committeepersons, Shop Stewards and Sergeant-at-Arms shall be the last to be laid off, regardless of where they may be employed. The union shall keep the Employer informed of the names of the members of the Board, Grievance Committeepersons, Shop Stewards and Sergeant-at-Arms and in the event of any dispute, the latest list of names as received by the Employer shall govern.
- 15.12 Notwithstanding the foregoing sections of this Article, an employee who has become incapable of fully performing his/her regular duties because of advancing years may be given

preference for any available position for which he/she is considered to be competent to perform by the Employer without the necessity for the Commissioner of Human Resources to advertise the position, providing such employee may not displace a more senior employee and the Employer shall advise Local 5 prior to all such appointments.

- 15.13 Vacancies created as the result of an employee being absent due to either illness or leave of absence for a minimum period of six (6) weeks, shall be posted and filled when it is known that the employee's absence is expected to be more than six (6) weeks. Notations shall be made on the posting that the vacancy is due to the absence of the employee.

The senior employee in the section who meets the requirements of the job description shall be offered the vacant position for the period of time until the position is posted and filled.

Upon the return of the absent employee, the employee filling the position on a temporary basis shall be returned to his/her former position.

In the event the absent employee does not return the employee filling the position on a temporary basis shall be confirmed in the position with the exception as noted below.

In the event the absent employee does not return and there is more than one position in the same classification being filled on a temporary basis because of employee absence the senior employee temporarily filling a vacancy in the classification shall be confirmed in the position.

17. DISCIPLINE

- 17.1 In the event an employee is disciplined, suspended or discharged for other than irregular attendance, written notification of the action stating reasons for such action shall be delivered to the employee within ten (10) working days of the occasion giving rise to the action. Absence due to vacation, sickness or any other reason by the employee involved shall extend the ten (10) days referred to above. An employee may request that a Steward be present at any meeting related to discipline. An employee shall have the right to request a copy of the disciplinary notification be provided to the Union.
- 17.2 An employee who maintains a clear record for a period of two (2) years following his/her last warning or suspension shall have his/her record cleared at the end of such period as it applies to warnings and suspensions for reasons other than irregular attendance.

- 17.3 Upon written request to the Commissioner of Human Resources, an employee shall have access during regular working hours to his/her file retained in the Human Resources Centre. He/she shall have the right to respond in writing to any document contained therein. Such reply shall become part of the permanent record. The employee shall be subject to disciplinary measures should he/she remove any documents from such file. A union representative may see an employee's file with the employee's written consent.
- 17.4 The Employer agrees that no employee of the bargaining unit shall be required to cross any legal picket line. Failure to cross a picket line as described above shall not be cause for disciplinary action.

18. GRIEVANCE PROCEDURE

- 18.1 Within the terms of the Agreement, a grievance shall be defined as a difference between the parties arising from the interpretation, application, administration or alleged violation of this Agreement, and which has been submitted by the Union to the Employer in writing. All grievances shall specify the nature of the grievance and the section or sections allegedly violated.
- 18.2 In order to ensure that differences between the parties are remedied as quickly as possible, the parties agree that the following procedure for submitting and dealing with grievances shall be adhered to by both parties, provided that any of the time limits imposed herein may be extended by mutual consent.

Both parties agree that grievances that are submitted after Step One will have the signature of the Grievance Chairperson or his/her designate. The grievance will not be recognized by either party without signature.

- 18.3 STEP ONE: The Employee and the Union Steward shall present the grievance in writing to the employee's Supervisor or Foreman/woman within ten (10) working days of the origin of the grievance.

Within five (5) working days of the written submission a meeting with the grievor, Steward, Foreman/woman and Supervisor will occur to attempt to resolve the grievance.

The Foreman/woman or Supervisor shall respond within five (5) working days of the meeting.

- 18.4 STEP TWO: Failing a satisfactory settlement at Step One, the Chairman of the Grievance Committee, or his/her designate shall submit the written grievance to the employee's

Department Head within ten (10) working days of the response in Step One.

The Department Head, or his/her designate will meet with the Grievance Committee, the grievor, and the Steward if necessary, within ten (10) working days of the receipt of the grievance. The Department Head, or his/her designate will issue a response in writing to the Chairman of the Grievance Committee within ten (10) working days of the meeting. In the event the Department Head, or his/her designate denies the grievance, the reasons shall be stated in writing.

- 18.5 STEP THREE: Failing a satisfactory settlement at Step Two, the Chairman of the Grievance Committee, or his/her designate shall submit the written grievance to the Commissioner of Human Resources within ten (10) working days of the receipt of the response of the Department Head, or his/her designate.

The Commissioner of Human Resources, or his/her designate and the Chief Administrative Officer, or his/her designate will meet with the Grievance Committee, the grievor, and the Steward if necessary, within fifteen (15) working days of the receipt of the grievance. The Commissioner of Human Resources, or his/her designate will issue a response in writing to the Chairman of the Grievance Committee within ten (10) working days of the meeting. In the event the Commissioner of Human Resources, or his/her designate denies the grievance, the reasons shall be stated in writing.

- 18.6 Where the dispute involves:

- (a) the question of general application of or interpretation of the provisions of this Agreement, or
- (b) a group of employees, or
- (c) the suspension or dismissal of any employee or group of employees

the grievance may be submitted by the Chairman of the Grievance Committee, or his/her designate to the Department Head at Step Two.

In the case of a group grievance or a number of grievances arising from a common complaint, the Union will select one or two employees as representatives of all the affected employees at any and all hearings held in conjunction with the grievance or grievances.

- 18.7 Where a satisfactory settlement of the matter in dispute is not reached, the said matter may be referred to Arbitration under the provisions of Article 19 within the thirty (30) calendar days of the receipt of the Commissioner of Human Resources response.

- 18.8 Meetings with the Commissioner of Human Resources and/or authorized representatives of the Employer, in reference to grievances, shall be held during the regularly scheduled working hours. Payment shall be at the prevailing rate of pay.
- 18.9 The Employer recognizes the President of the Union, or his/her constitutional replacement, as a member of the Grievance Committee.
- 18.10 Where the complaint referred to in 18.1 relates to a job posting in a section or department other than the one the employee is currently working in, the entire grievance procedure shall occur with the Employer's representatives in the department where the job posting occurred.

20. DEPARTMENT STEWARDS

- 20.1 Department Steward is a person elected or appointed by the Union members of his/her department, or sub-department, to represent the employees of the department, or sub-department, in which he/she is employed.
- 20.2 The Employer acknowledges the right of the Union to elect or appoint one Steward for each department, or sub-department, to assist employees in the presentation of their grievances to their foreman/woman or immediate supervisor.
- 20.3 The Union acknowledges that Stewards, as well as other members of the Union's committees and the Union's officers, will continue to perform their regular duties on behalf of the Employer, and that:
- (a) such persons (not more than one of the above plus the grievor) will not leave their regular duties without obtaining permission from their foreman/woman or immediate supervisor who will be given a reasonable explanation for the requested absence, (e.g. to investigate a grievance) and
 - (b) when resuming their regular duties after engaging in duties on behalf of the Union the Steward will report to his/her foreman/woman or supervisor immediately upon their return.
- 20.4 A department Steward will assist in the Grievance Procedure, as set forth in Article 18 of the Agreement, except that in the absence of a Steward, the Chairperson of the Grievance Committee may act in his/her place. In the event of a grievance by a Steward, the Grievance Chairperson will represent the Steward with his/her grievance.
- 20.5 Time lost by a Steward, or Chairman of the Grievance

Committee, during his/her normal hours of work as set out in Article 4 of the Agreement when authorized to be absent from his/her regular duties under Section 3 of this Article, shall not thereby disqualify him/her for premium rates under Article 6 of the Agreement to which he/she would otherwise be entitled.

- 20.6 The Union shall notify the Commissioner of Human Resources in writing of the name of each Steward and the Department(s) or sub-department(s) he/she represents before the Employer shall be required to recognize the Steward.

22. HEALTH AND SAFETY

- 22.1 The Employer and the Union agree to recognize the Joint Health and Safety Committee(s) and the right of this committee(s) to represent the employees in all matters dealing with Health and Safety subject to the Occupational Health and Safety Act of Ontario and the 1978 Regulations thereto.

The Joint Health and Safety Committee(s) will operate under the terms of reference contained in the document dated December 11, 1990 exclusive of Article 3.8 thereof insofar as that Article provides for paid time off to take C.U.P.E. Level 1 Health and Safety training.

- 22.2 The Employer agrees that no new substance, material, agent or chemical shall be introduced into the workplace environment without a complete review by the Joint Health and Safety Committee(s) of its ingredients and/or properties.

23. HEALTH AND WELFARE

- 23.1 Each unit of a department shall provide First Aid equipment and such equipment shall be administered as provided under the regulations of The Workers' Compensation Act by an employee duly trained in First Aid or by a St. John's Ambulance Course. A First Aid kit is to be supplied by the Employer to each mobile unit and in other appropriate locations of the Employer. The Employer shall abide by Regulation 950 of the Workers' Compensation Act.

- 23.2 The Employer agrees to provide proper accommodation for all employees to have their meals, proper washing-up and sanitary facilities and suitable lockers for the storage and protection of clothing and lunches. A personal clean-up time of up to ten (10) minutes duration shall be allowed before breaks, meals and quitting time. Employees shall not utilize this period to extend breaks, lunches or to leave work before the end of the work day.

- 23.3 All employees shall be provided with the following when required:

- 1 pair of rain pants or leggings
- 1 rain jacket - long or short
- 1 pair of rubber boots or overshoes
- 1 safety helmet with liner
- leather, rubber and cotton gloves
- safety glasses and prescription safety glasses where
prescription glass worn
- ear protection (noise control)
- lined rubber gloves (winter issue)
- insulated winter coveralls

23.4 All employees shall receive the following on date of hire:

- 2 short sleeve all weather shirts or 2 T-shirts or a combination thereof
- 2 long sleeve all weather shirts
- 4 pairs of all weather pants
- 2 pairs of coveralls (jackets and trousers)
- 1 parka
- 1 pair winter mitts (lined with thumb and forefinger) where
required
- Safety shoes or boots of a standard approved by the
Canadian Standard Association - this provision includes
winter safety boots. Commuter boots for employees choosing
low safety shoes.

All employees in receipt of the above issue of clothing shall be eligible to receive a replacement issue of any of the above on a 1 for 1 basis when such an article is returned to Stores and proves to be:

- (a) either damaged and rendered unusable as a result of the employee's work activities, or
- (b) worn out as a result of normal wear for such garment
- (c) If probation period is not completed by an employee, the employer will deduct monies owing for clothing issued.

23.5 Students hired for summer employment and probationary employees are required to wear safety footwear as a condition of employment. Such safety shoes or boots are to be purchased at no cost to the Employer. The exception to the foregoing shall be a summer student commencing his/her third consecutive summer term. In these circumstances the student shall be reimbursed with the dollar value of the Employer's cost of a pair of safety shoes.

23.6 The Employer agrees to provide all specialty tools required for the maintenance of the Employer's equipment. Specialty tools shall be tools not normally possessed by a general automotive mechanic. Further, the Employer agrees to replace tools damaged while in use on behalf of the Employer with a tool of equal quality for employees performing the job of

machinists, motor mechanics, welders, carpenters, plumbing repairers, equipment mechanics and yard attendants.

- 23.7 The Employer agrees to provide cleaning service for motor mechanic's coveralls at no cost to the employee.

27. OPERATION OF VEHICLE

Within each section, as defined in this Agreement, senior qualified personnel shall operate vehicles and equipment provided that such senior personnel within their classification are available at the start of the shift or at any time during the shift that such vehicles or equipment must be operated.

No student shall operate motorized equipment over 25 hp if employees coming within the scope of the Local 5 on the same shift and in the same section as described in Article 6.9 are available and qualified to operate such equipment.

31. TRANSFERS

EMPLOYER INITIATED

- 31.1 Where the need arises to transfer employee(s) from one reporting location to another, the Employer shall respect the seniority of the affected employee(s) within the classification.
- 31.2 The Employer agrees that Stewards shall not be transferred from one reporting location to another unless the need for such transfer is reasonable and necessary to the efficient operation of the Employer's business.
- 31.3 The above provisions shall apply to transfers other than those brought about by vacation, absenteeism, or emergency situations.

EMPLOYEE INITIATED

- 31.4 The Employer agrees that an employee may request of his/her Department Head a transfer from one reporting location to another for purposes that are reasonable and justified. Transfer requests are limited to one (1) per twelve (12) month period and are restricted to work areas under the jurisdiction of his/her particular Department Head. The employee requesting the transfer must be able to perform the work required in the new work area into which he/she wishes to be transferred. Such a transfer shall be implemented upon a permanent vacancy arising at the reporting location to which the employee wishes to transfer. In the event that

more than one employee requests or has requested a transfer to the same reporting location, transfer requests will be honoured in the order in which they were submitted. Transfer requests will be honoured prior to the posting of any permanent vacancy. Notwithstanding the foregoing, transfers will only be allowed to the extent to which operational requirements permit. A copy of each transfer request shall be retained by the employee and a copy shall be forwarded to the union upon submission of the request.

WINTER OPERATIONS/CITY

For the purposes of winter operations of Snow Plowing and Automatic Road Sanding, employees in the classifications of Truck Driver, Sweeper Operator, Grader Operator, Roller Operator, Yard Attendant, Utility Man/Woman, Tractor Operator, Bombardier Operator, Transcrete Mixer Operator, Equipment Operator, Small Grader Operator, Gradall Operator, Snow Loader Operator, Backhoe Operator, and Truck Drivers transferred from Parks, Cemetery, or Garbage Sections for winter months will be called in by seniority within their section.

Labourers that qualify within their sections may be called in by seniority if the above mentioned does not generate enough operators for the needs at hand.

Job operations of Wing Plow, Flagging, Silos and Shovelling of Snow will be recognized as Labourer duties and Labourers will be called in by seniority within the section to perform these functions.

When all sections have been exhausted and further operators are needed, Garbage and Cemetery sections will then be included and Truck Drivers will then be called in by seniority within the combined sections as noted above. When a worker is classified at a higher salary schedule, than that of D9, said worker will remain at present salary schedule.

This letter is in effect until such time as the parties complete the job descriptions for all positions which operate motor vehicles with the intent of defining all operators as Class I, Class II, or Class III.

STANDBY - WINTER OPERATIONS/CITY

Stand By Duty shall be implemented when deemed required by management.

1. All operation of vehicles performed in the Streets Division during the time period from the start to the finish of the winter shift operation in each winter season shall be

considered as "winter operations".

2. Where labouring duties are required, labouring personnel shall be called in seniority order and in accordance with the current practice.
3. On the weekends, when Standby is in effect, personnel on standby that weekend shall be called in as required for all operations of motorized equipment. It is not necessary that all standby employees be called in when the operation requires fewer.
4. Standby personnel are for the operation of equipment and shall not be used for labouring functions.
5. When those on standby have been called in to work and have completed a twelve hour shift, other employees will be called in, in accordance with the Contract for the next twelve hour shift (if required). Should a third shift be required, the "standby" employees shall be recalled.
6. Public Works Department winter operations stand by duty required to be performed shall be scheduled and posted before the start of said operations.

Standby - Telephone Calls

1. An employee on standby for a particular weekend may provide a second telephone number where he/she may be reached during the weekend. Any alternate phone number provided must be given to his/her foreman before the end of the working day on the Friday on which the standby commences.
2. If an employee is not available at any number provided (Maximum of two numbers per employee), that employee shall not be paid the standby pay for that day. In addition, disciplinary action may be taken in accordance with the provisions of the Agreement.

LETTER OF UNDERSTANDING (APPRENTICESHIP PROGRAMS)

The parties hereby agreed to meet during the term of this Collective Agreement to discuss the establishment and implementation of an apprenticeship program for the skilled trades.

LETTER OF UNDERSTANDING (TOOL ALLOWANCE)

The Employer agrees to institute a tool allowance for vehicle mechanics to be provided at the Employer's discretion, in an amount up to two hundred and fifty (\$250.00) dollars per employee, in order to address a need to replace tools whose

design has been rendered obsolete as a consequence of wholesale changes in the Employer's fleet.

LETTER OF UNDERSTANDING (EXTENSION OF BENEFITS IN THE EVENT OF LOSS OF SENIORITY)

The Commissioner of Human Resources will be available to consider the necessity and feasibility of extending health care benefits to employee(s) with less than ten (10) years service who are terminated pursuant to the operation of Article 13.11 and were sixty (60) years or older at the time of termination.

LETTER OF UNDERSTANDING:FULL TIME OFFICER

The employer and the union agree that there is merit to pursuing the creation of a full time union officer position. The parties agree to meet during the first year of the Agreement in an effort to resolve their differences in this matter. Should an agreement not be reached prior to December 31, 1991, the matter will be referred to the next round of collective bargaining.

ELIGIBLE DEPENDENTS include (if applicable): your spouse; unmarried, unemployed children up to their 22nd birthday or up to their 25th birthday if a full-time student at a recognized educational institute.

DEDUCTIBLE

Deductible per Calendar Year:	Employee:	\$10.00.
	Dependents:	\$10.00.

Reimbursement: 100% of Insured Charges
in excess of the deductible
amount.

LIMITATIONS: This Plan does not pay for:

- . Services normally paid through any provincial hospital plan, any provincial medical plan, Worker's Compensation Board, other government agencies or any other source.
- . Dental care (except as outlined under "Benefits"), cosmetic surgery, rest cures, travel for health reasons or insurance examinations, services provided in a psychiatric hospital, chronic care unit of a general hospital or nursing home.

COORDINATION OF BENEFITS: If you have similar benefits through any other insurer, the amount payable through this Plan shall be coordinated so that payment from all coverages shall not exceed 100 percent of the actual claim.

EXTENSION OF BENEFITS FOR DISABLED EMPLOYEES: In the event of termination of employment and the employee or one of his dependents is disabled at that time, insurance under this benefit will continue for that individual for up to 90 days, provided the plan remains in force.

HOW TO CLAIM BENEFITS: Receipts (or bills) for allowable expenses should be sent with this claim form to **ONTARIO BLUE CROSS, 150 Ferrand Drive, Toronto, Ontario M3C 1H6**, or taken to the **Blue Cross Hamilton Branch Office, 25 Main Street West, Suite 1401**.

BENEFITS

The following services will be reimbursed when the services are provided on the order of a physician or surgeon legally licensed to practice medicine. Reimbursement will be based on the usual and customary rate in the area where the service is provided except for benefits with specific dollar amount shown.

1. DRUGS

Charges for drugs, birth control pills, medicines, serums and vaccines obtained by a written prescription; excluding patent or proprietary medicines, anti-obesity treatments and any charges made for the administration of serums, vaccines, or injectible drugs.

2. NURSING CARE

Charges for the services of a Registered Nurse (R.N.), provided the R.N. is not normally resident in the insured person's home. A Blue Cross Authorization Form must be submitted to Blue Cross for prior approval on a monthly basis. **MAXIMUM \$50,000 LIFETIME.**

3. HOSPITAL EXPENSES & SUPPLIES

Charges for hospital services and supplies obtained from a licensed hospital while the insured person is not confined in the hospital.

4. AMBULANCE

Charges for licensed ambulance service or other emergency service when used to transport the insured person from the place where bodily injury or disease is suffered to the nearest hospital where adequate treatment can be rendered or from one hospital to another or from hospital to the insured person's residence. (Emergency transportation includes transportation by air, rail or water.)

5. SERVICE & SUPPLIES

Charges for the following services and supplies:

- a) purchase of braces, crutches, artificial limbs or eyes and approved prosthetic devices required as a result of bodily injury which occurred or disease which commenced while the person was insured under this provision.
- b) rental of wheelchair, hospital-type bed or other approved durable equipment for temporary therapeutic use required as a result of bodily injury which occurred or disease commenced while the person was insured under this provision. If purchase of such equipment is a more satisfactory arrangement, agreement to purchase will be at the option of the Insurance Company.
- c) oxygen and blood serum.

6. DENTAL

Charges by a legally licensed dentist for the following treatment necessitated by a direct accidental blow to the mouth, and not by an object wittingly or unwittingly placed in the mouth, which occurred while the individual was insured under this benefit, received within three years of the accident:

- 1) dental treatment of injuries to natural teeth.
- 2) replacement of natural teeth, up to a maximum payment of \$500 per accident.

7. OUT OF PROVINCE COVERAGE

This benefit provides protection when you and/or your eligible dependants are vacationing, or travelling for other than health reasons; cover eligible expenses over and above what your provincial government health plan will pay; and are for unexpected illness or accident occurring outside your province of residence. No benefits shall be paid if service to a covered person is provided in a chronic care or psychiatric hospital, chronic unit of a general hospital, nursing home or health spa.

- A) Payment for the cost of hospital accommodation which is in excess of the amount paid by a provincial health plan or any other Blue Cross Plan.
- B) Payment for charges made by physicians when such charges are over and above the allowance made by a provincial health plan.
- C) When illness or injury is such that you must fly home and the physician or commercial airline stipulates in writing that you must be accompanied by a qualified medical attendant, Blue Cross pays the costs incurred for one round trip economy fare for the medical attendant (not a relative), and extra costs for the number of economy seats required to return the covered person, by most direct route, to the air terminal nearest the departure point in Canada.
- D) Subject to payment by a provincial health plan, charges made by chiropractors, chiropodists and podiatrists to a maximum of \$10 Canadian per treatment date.
 - . Request detailed receipts (in duplicate if possible) for any health-related expenses incurred while outside your province of residence.
 - . Send one set of receipts to your provincial government health plan for their consideration and payment.
 - . When they have replied send original copy of provincial plan payment and completed claim for together with receipts to Blue Cross, 150 Ferrand Drive, Toronto, Ontario M3C 1H6 for reimbursement of remaining eligible benefits. Please note that claims in languages other than English or French require an accompanying translation.

*** Maximum amount payable with respect to a retired employee or his/her dependant shall be \$5000 during their lifetime.**

8. DIAGNOSTIC X-RAY AND LABORATORY EXPENSES

Charges for diagnostic tests and radiological treatments including x-rays and laboratory tests and radium treatments.

9. PHYSIOTHERAPY

Charges for the services of a qualified physiotherapist, who is not normally resident in the insured person's home.

10. SPEECH THERAPY

Charges for the services of a qualified Speech Therapist, up to maximum of \$200 per calendar year for each insured person, but only when we are provided with a certificate by a medical doctor or dentist that such treatment is necessary.

11. CLINICAL PSYCHOLOGY

Payment to registered clinical psychologists up to \$35.00 for the first visit and \$20.00 per hour for subsequent treatments to a maximum of \$200.00 during a calendar year in all.

12. HEARING AIDS

Charges for hearing aids prescribed by legally licensed Otolaryngologist, up to the maximum amount shown on your identification certificate during the lifetime of each insured person.

13. EYE GLASSES

The following charges recommended or approved by a legally licensed physician, surgeon, ophthalmologist or optometrist:

- 1) Eyeglasses: Frames, lenses and fitting of prescription eyeglasses, up to the maximum amount shown on your identification certificate, an any two consecutive calendar years for each insured person.**
- 2) Contact Lenses: One set of contact lenses during the lifetime of the insured person to a maximum of \$200, if visual acuity is improved to at least 20/40 level of acuity not possible through regular eye glasses. In all other cases, contact lenses would be subject to the maximum for regular eye glasses.**

14. PARAMEDICAL SERVICES

Payment to a registered masseur up to \$7.00 per treatment for not more than twelve treatments per calendar year, but only when we are provided with a certificate by a medical doctor that such treatment is necessary.

15. SEMI-PRIVATE HOSPITAL ACCOMMODATION

If an employee or dependent suffers bodily injury or disease or becomes pregnant, and as a result is confined in a legally licensed hospital, this benefit will reimburse the employee for the difference between the public ward allowance under the Provincial Hospital Plan and the semi-private charge.

Benefits are payable with no overall maximum.

This is intended to assist you in understanding the terms and benefits of your coverage. If specific details of the Agreement are required please discuss with your employer, or call the local Blue Cross office at 522-1866.

16. CHIROPRACTOR

Chiropractor service qualifies as a charge but only to the extent that they Chiropractor qualifies in accordance with the laws of the Province in which he/she is practising within the scope of his/her licence.

The maximum charge for each visit is not to exceed the schedule of fees approved by the Association of which the practitioner is a member, and where there is no approved schedule of fees, the charge must be reasonable.

The maximum is \$200 per person per calendar year.

TIME LIMIT FOR SUBMISSION OF CLAIMS

Extended Health Care claims should be submitted within 180 days after the end of the calendar year in which the claim was incurred. If a delay is anticipated Blue Cross should be notified in advance.

If the Group Agreement terminates, no payment is made with respect to any claims unless proof is submitted within 90 days of termination of the policy.

Dated February 8, 1991

James Keenan
Walt Wilson
Frank Cordis Thomas
Gregg Litch
John Dwyer
Samuel Starnuk
J. H.
Harry M. Lawton

On Behalf of the Employer

[Signature]

[Signature]

Anne Holmes

MEMORANDUM OF IMPLEMENTATION OF A JOB EVALUATION PROGRAMME FOR CUPE 167

Pursuant to the approval of the Memorandum of Agreement of January 1987, the Negotiating Committee of the parties has negotiated and reached agreement on terms and conditions, as set out in this Memorandum of Implementation, which constitute settlement of all matters with respect to the Implementation and maintenance of a Joint Job Evaluation Programme, which will meet the requirements of the Pay Equity Act, applying to all jobs coming within the Union bargaining unit.

The undersigned representatives of the parties do hereby agree to recommend to their respective principals the complete acceptance of the terms and conditions set out in this Memorandum of Implementation and the attached Manual of Procedures and the Rating Manual.

The parties herein agree that the job descriptions, job ratings and wage grades established and agreed upon by the parties shall be implemented within a four year period in accordance with the following schedule:

Job Evaluation Adjustments

July 1, 1990
July 1, 1991
July 1, 1992
July 1, 1993
July 1, 1994

All wage adjustments resulting from the implementation of the Pay Equity Plan will be made in accordance with Section 13 of the Pay Equity Act, 1987 in accordance with the following schedule:

Pay Equity Adjustments

January 1, 1990
January 1, 1991
January 1, 1992
January 1, 1993
January 1, 1994

1. The parties have agreed upon a Job Evaluation Manual of Procedures which shall be supplemental to, and form part of, the current Collective Agreement. The Manual of Procedures is established as a guideline to the parties to establish and maintain the Job Evaluation Programme, specifically for the purpose of providing and maintaining the basis of an equitable wage structure and providing the method by which job descriptions and job ratings shall be maintained to meet new and changing conditions and work requirements.

2. The parties have agreed upon a Rating Manual for Job Evaluation which shall be supplemental to, and form part of, the current Collective Agreement. The Rating Manual contains basic guides used in analyzing and evaluating the content of a job.

3. The parties have agreed upon the descriptions and ratings of certain jobs, referred to as Benchmark Jobs, which are a representative selection of jobs chosen from the classifications in the bargaining unit and are used as the basis for comparison and guidance in applying the job evaluation process to all jobs performed by employees coming within the Union bargaining unit.

4. The parties agree that this Memorandum of Implementation applies to all jobs performed by employees coming within the Union bargaining unit, and further agree that except as provided in Section 8(a) of this Memorandum of Implementation, no basis shall exist for an incumbent employee in the Union bargaining unit to claim that a wage grade inequity exists.

5. (a) Effective from the date of installation, Schedule A in the current Collective Agreement between the parties shall be amended in accordance with Schedule A appended to this Memorandum of Implementation.

(b) The wage grade established for each job, as set out in the appended Schedule A, shall apply to incumbent employee(s) during such time as the employee is assigned to perform the duties of the job except in the case where an employee is subject to the provisions set out in sub-section 5(d) of the Memorandum of Implementation.

(c) For all jobs where the existing wage grades are equal to the new wage grade, as set out in the appended Schedule A, the existing wage grade for such jobs shall be cancelled and replaced by the appropriate equal wage grade.

(d) (i) Each incumbent employee whose existing wage rate is above the new wage grade, as set out in the appended Schedule A, shall have his or her wage rate designate "red-circled" effective the pay period starting March 18, 1991.

(ii) Each incumbent employee with a designated "red-circled" wage rate, shall continue to receive that rate for the duration of his/her employment in that position. Such incumbent will continue to receive all negotiated general wage increases; such increases to be calculated on the job rate established for that position by the Job Evaluation Programme.

(e) (i) Each incumbent employee whose existing rate is below the wage grade, as set out in the appended Schedule A, shall have his or her wage rate designated "green-circled" effective January 1, 1990 for pay equity adjustments and July 1, 1990 for job evaluation adjustments.

(ii) Green circled rates shall be adjusted to the evaluated wage grade, such adjustments shall recognize the incumbent's existing status within the existing wage grade increment structure. Such incumbents shall continue to receive all negotiated general increases calculated on their current rate.

(iii) Any retroactive adjustment shall be based on the period of time the incumbent was an employee of the Employer in any classification and completed his or her probationary period on, or after, January 1, 1990 for pay equity and July 1, 1990 for job evaluation.

(iv) The exception to 5 (e)(iii) shall be those jobs for which the existing wage rates are designated as "green-circled" that have established dates of retroactivity stated in the current Health Department Collective Agreement and/or those jobs for which a formal request for reclassification has been submitted the Human Resources Centre. The effective date of any adjustment to the wage rates shall be the date stated in the Health Department Collective Agreement or the date of the written request for reclassification submitted to the Human Resources Centre and shall be subject to any subsequent general wage increases negotiated by the parties.

6.1 The Employer shall supply the Union with the following information:

- (a) Names of union members and departments
- (b) Jobs
- (c) Job ratings and wage grades resulting from job evaluation
- (d) The employees' existing wage rates
- (e) Organizational charts.

6.2 The Employer shall distribute to each employee:

- (a) A copy of his/her job description used for evaluation
- (b) The rating of that job showing points by factor and total points.

7. Subject to various articles in the Letter of Understanding of March 2nd, 1988 agreed to by the parties, the Joint Job Evaluation Committee described therein shall continue in existence following the installation of the Job Evaluation Programme and until the investigation and determination of the appeals and arbitration proceedings lodged under Section 8 of this Memorandum of Implementation is completed by the Joint Job Evaluation Committee, and the outcome of each finally installed. The Union members on the Joint Job Evaluation Committee being on leave of absence from time to time, with pay, and with all their rights of the Collective Agreement being retained.

8. (a) (i) Within thirty (30) calendar days of the installation of the Job Evaluation Programme, employees who disagree with their job description and/or rating that has been established for the job in which they are classified, or Department Heads who disagree with the job description and/or the rating that has been established for a classification within their department, may lodge an appeal with the Manager, Wage and Salary Administration, Human Resources Centre, requesting a review of rating of the job. The appeal shall state in writing the reason or reasons, why the incumbent(s) or Department Head(s) disagree with the rating of the job.

(ii) The Joint Job Evaluation Committee, in its discretion, may request the appearance of of incumbent in order to assist the Committee in its deliberations.

(b) The decision of the Joint Job Evaluation Committee, in accordance with Article 2 of the Manual of Procedures, on an appeal shall be communicated to both the incumbents and Department Head(s) in writing.

(c) The decision of the Joint Job Evaluation Committee, on an appeal, shall be considered final and binding upon the parties, and the employee concerned. Where a decision cannot be reached, the procedure for resolution shall be as referred to in Article 5.2 of the Manual of Procedures.

(d) Each appeal shall be submitted in writing on an official appeal form agreed to by the Employer and the Union and the appeal reply shall be made in writing on an official appeal decision form agreed to by the Employer and the Union.

(e) The Appeal Forms shall be available from:

- 1) The Union
- 2) The Employer

(f) Any time limits imposed herein may be extended, in writing, by the mutual consent of both parties.

9. Any mathematical or clerical errors made in the preparation, the establishment or the application of the job descriptions, job rating wage grades or wage rates which are not otherwise in dispute shall be corrected to conform to the provisions of this Memorandum. All terms used in this document shall conform to the definitions found in the Manual of Procedures.

FOR THE UNION

FOR THE EMPLOYER

Merritt
Bert Frazier
Robert
Committee
Anna Quakowski
Maria Bickau
Dee Costa

Robert Frazier
Ely Brown

APPENDIX A

SCHEDULE A CUPE 167

PAY ADE	MAX PTS	STEP 1 92%	STEP 2 96%	STEP 3 100%
1	160	9.375	9.782	10.190
2	180	9.908	10.339	10.770
3	200	10.442	10.896	11.350
4	220	10.976	11.453	11.930
5	240	11.509	12.010	12.510
6	260	12.043	12.566	13.090
7	280	12.576	13.123	13.670
8	300	13.110	13.680	14.250
9	320	13.644	14.237	14.830
10	340	14.177	14.794	15.410
11	360	14.711	15.350	15.990
12	380	15.244	15.907	16.570

		STEP 1 88%	STEP 2 92%	STEP 3 96%	STEP 4 100%
13	400	15.092	15.778	16.464	17.150
14	420	15.602	16.312	17.021	17.730
15	440	16.113	16.845	17.578	18.310
16	460	16.623	17.379	18.134	18.890
17	480	17.134	17.912	18.691	19.470
18	500	17.644	18.446	19.248	20.050
19	520	18.154	18.980	19.805	20.630
20	540	18.665	19.513	20.362	21.210
21	560	19.175	20.047	20.918	21.790
22	580	19.686	20.580	21.475	22.370
23	600	20.196	21.114	22.032	22.950
24	620	20.706	21.648	22.589	23.530
25	640	21.217	22.181	23.146	24.110
26	660	21.727	22.715	23.702	24.690
27	680	22.238	23.248	24.259	25.270
28	700	22.748	23.782	24.816	25.850
29	720	23.258	24.316	25.373	26.430
30	740	23.769	24.849	25.930	27.010
31	760	24.279	25.383	26.486	27.590
32	780	24.790	25.916	27.043	28.170
33	800	25.300	26.450	27.600	28.750
34	820	25.810	26.984	28.157	29.330
35	840	26.321	27.517	28.714	29.910
36	860	26.831	28.051	29.270	30.490
37	880	27.342	28.584	29.827	31.070
38	900	27.852	29.118	30.384	31.650
39	920	28.362	29.652	30.941	32.230
40	940	28.873	30.185	31.498	32.810
41	960	29.383	30.719	32.054	33.390
42	980	29.894	31.252	32.611	33.970
43	1000	30.404	31.786	33.168	34.550

**JOINT JOB EVALUATION PROGRAMME
MANUAL OF PROCEDURES**

CUPE LOCAL 167

This Manual of Procedures is supplemental to and forms part of the current Collective Agreement.

Article 1 - PURPOSE

In accordance with the Letter of Understanding between the parties dated March 02, 1988 on the implementation of a Joint Job Evaluation Programme, this Manual of Procedures provides an ongoing Joint Job Evaluation Programme. The Joint Job Evaluation Programme is designed to maintain an equitable wage structure and provides the method by which job descriptions and job ratings shall be maintained to meet changing conditions and work requirements.

Article 2 - DEFINITIONS

The following definitions are to apply to the terms used herein and throughout the Job Evaluation Programme:

Benchmark Jobs	A representative selection of job activities chosen from the classifications covered by the plan. These are used as a basis for comparison and guides for maintaining relativity of rating under the rating manual.
Collective Agreement	The Collective Agreement currently in effect between the Employer and the Union.
Current Rate	An employee's present rate of pay.
Dormant	A position that will not be filled for a period of time.
Employee	An employee of the Employer in the bargaining unit for which the Union is the recognized bargaining agent as defined in the Collective Agreement.
Factors	The major criteria, ie. experience, responsibility, working conditions, etc. as set out in the Rating Manual to measure all jobs covered by this Job Evaluation Programme.
Factor Degree	The actual measurement levels within each factor.
Green Circled	The current rate is lower than the job rate that has been established for the job in accordance with the Job Evaluation Programme.
Incumbent	An employee who has been appointed or promoted to a job. (An employee is an incumbent in one job only).
Job	A group or range of duties or tasks assigned to and performed by the incumbent(s).

Job Analysis	The process of determining and recording, through the use of questionnaires, observations and studies, the tasks and duties comprising a job and the required knowledge, responsibility, effort and working conditions involved in the performance of that job.
Job Description	A written statement of the principle function, responsibilities and duties of a job used for evaluation purposes. This shall be the only job description used for evaluation purposes. It shall not be construed to be a detailed description of all requirements inherent to the job.
Job Evaluation	The process of studying and analyzing a job to prepare a job description and to determine the relationship of the job to other jobs covered by the Rating Manual, which is set out in the Collective Agreement.
Job Rate	The evaluated rate for a job.
Job Rating	The selected degree levels, points, reasons for rating and the total points established for a job in accordance with the Rating Manual which becomes the official rating for the job.
Joint Job Evaluation Committee	<p>The Joint Committee appointed by the parties to the Collective Agreement to deal with matters relating to job descriptions, the rating of jobs and the designating of appropriate wage grades governed by this Manual of Procedures and the Rating Manual as set out in the Collective Agreement.</p> <p>The Employer and the Union shall each appoint three (3) representatives to the Joint Job Evaluation Committee. The Union members of the Committee and any alternate appointed by the Union shall be granted leaves of absence with pay and without loss of seniority for periods of time spent working on the Committee. These members shall have all rights and privileges of the Collective Agreement including access to the grievance procedure, promotional opportunities and salary increments to which employees would normally be entitled, including any increase that may occur as a result of an evaluation of the job the member held prior to an appointment to the Committee. Such leave of absence shall be of sufficient duration to allow the Union to discharge its responsibilities as provided in this Manual.</p> <p>All decisions and agreements of the Committee shall be by consensus or by majority vote of 5 to 1.</p> <p>The Union members of the Committee and any alternate appointed by the Union shall be granted leaves of absence in accordance with Article 14 of the Collective Agreement. The Committee procedures shall be agreed to from time to time by the parties.</p>
Job Questionnaire	Data collected from the incumbent and supervisor relating the job duties the incumbent is assigned to carry out.
Out of Schedule Rate	A job rate, established by the Employer, outside the Job Evaluation Programme, for a specific purpose and a limited period of time.

Points	The numerical expression adopted for measurement of each degree within each factor.
Rating Manual	The basic guide for analyzing and evaluating the content of a job from the job description.
Red Circled	The current rate is in excess of the job rate that has been established for the job in accordance with the Job Evaluation Programme.
Temporary Rate	Rate established by the Human Resources Centre for a job which has not yet been rated by the Job Evaluation Committee.
Total Points	The sum of all points allotted to each job for all factors as determined in accordance with the Rating Manual.
Wage Grade	The designation in Schedule A for a particular job rate or salary level or salary range.
Schedule A	The wage grades as set forth in the Collective Agreement.

Article 3 - FACTORS OF JOB DESCRIPTION AND RATING

3.1 A job description serves to record the basis from which the job is rated and to compare and judge the changes in job content which result, from time to time, from new or changed circumstances or requirements of the job.

3.2 A job description and the contents therein are for the purposes of rating a job and assigning the job into the proper wage grade for application of Schedule A. The description of a job shall be in sufficient detail to enable that job to be identified and rated.

3.3 The rating of jobs on the basis of job content involves certain basic determinations being made with respect to the skill, responsibility and effort required and the working conditions involved in each job. In order to reduce possible errors in personal judgement into practical but reasonable working limits, such determinations and considerations are subdivided and refined into an analysis and rating of each job to assess the relative worth on the basis of specific factors, listed below, which are all inclusive in doing job evaluation, and which are to be determined by the Negotiating Committee.

1. Education
2. Experience
3. Resourcefulness
4. Contacts
5. Mental Effort
6. Physical Effort and Skill
7. Accountability
8. Responsibility for Work Related Direction
9. Working Conditions
10. Safety

3.4 Job Evaluations serve to:

- (a) group jobs having relatively equivalent point values into the same grade,
- (b) provide the basis from which to gauge equitable wage grade relationships between the jobs,
- (c) form the foundation from which to measure changes in job content,
- (d) enable the assignment of jobs into their proper wage grade in Schedule A.

3.5 In making the determinations necessary for the rating of a job from the job's content, certain basic characteristics are considered to be inherent in the performance of all jobs and are not considered in the evaluation of any job in this programme. These characteristics are honesty, integrity, normal discretion, reasonable care and attention, ordinary tact and common courtesy.

3.6 In the application of the Rating Manual the following general rules shall apply:

- (a) it is the content of the job that is being analyzed, not the individual doing the job.
- (b) jobs are to be evaluated without regard to existing job rates.
- (c) jobs are to be placed in the appropriate level in each factor by considering the specific requirements of each job, the factor definition, the description of each factor level.
- (d) no interpolation of factor degrees is to be made in the use of this programme (i.e. no insertion of a factor rating that falls between the established degrees of the factor).
- (e) the job description and rating of each job shall be relative to, consistent with, and conform to the job descriptions and ratings of the benchmark jobs and all other jobs in the bargaining unit.

Article 4 - MAINTAINING THE JOB DESCRIPTIONS AND RATINGS

4.1 It is important that each party maintain accurate job descriptions and job ratings on an ongoing basis. Failure to do so will serve to damage the integrity of the Programme. It is the intention of the parties to jointly review all job descriptions over a four year period commencing January 1992. The term of this review period may be extended by mutual consent, in writing, of both parties.

4.2 Provisions for maintaining the job descriptions and job ratings and making the necessary adjustments that occur from time to time, as a result of new, or changed, conditions, are as follows:

- (a) The agreed upon job descriptions and job ratings which are in effect from January 1, 1991 and any that may subsequently be agreed upon in accordance with this manual, shall continue in effect unless:
 - (i) The job content is changed by the Employer.
 - (ii) The job is declared redundant by the Employer.
 - (iii) The job is changed as a result of a successful appeal or arbitration award.

(b) Whenever the Employer decides to establish a new job, the following procedures shall apply:

(i) The Employer shall prepare a job description, assign a temporary wage grade and assign an employee in accordance with the Collective Agreement.

(ii) The Employer shall notify the Union of the job description and the temporary wage grade.

(iii) A job information questionnaire and revised job description will be prepared within six (6) months of the assignment of an employee to a new position.

(iv) The Joint Committee will be convened to review the job description and rate the new job. The establishment of a temporary wage grade shall not prejudice the Joint Committee in its attempt to establish a job rating.

(v) Upon final resolution of the job description and rating, in accordance with Article 5.2, herein, the provisions of Article 4.2 (f) and 4.2(g) herein, shall apply to an employee who was assigned to the job at a temporary rate.

(c) Whenever the Employer changes a job and the Joint Committee determines that the change in job content is less than required to move the job to a different wage grade, a new description and rating shall be prepared for the job and be submitted to the Union in accordance with Article 5, herein.

(d) When an agreed upon change or accumulation of changes in the content of a job results in a change upwards or downwards in the wage grade of a job:

(i) The existing description and rating of the job shall be replaced by a new description and job rating taking into account the changes in job content and the new job description and job rating shall be deemed to have been established in accordance with Article 5, herein. It shall be appropriately signed by the representatives on the Joint Job Evaluation Committee.

(ii) The new job shall be reassigned to the appropriate wage grade in accordance with Article 6, and the reassignment shall become effective from the date of the most recent change in content of the job. If applicable, the provisions of Article 4.2(f) and Article 4.2(g), herein, shall apply to an employee who was assigned to the job at the temporary rate.

(e) Should the Union consider that the Employer has established a new job or changed the content of an existing job and no new description or rating has been developed by the Employer:

(i) The Union shall notify the Employer in writing of its contention that the job has changed, the reasons in detail for its contention and a request that a new description and rating be prepared for the job in accordance with Article 5, herein.

(ii) If the Employer finds the Union's request to be justified, a new job description and job rating shall be established and a new wage grade shall be assigned to the job in accordance with the provisions provided for in Article 5.

(iii) If the Employer does not find the Union's request to be justified, it shall notify the Union in writing of its decision, within thirty (30) calendar days following receipt of the Union's written request. The Union may, within thirty (30) calendar days following the receipt of the Employer's decision, lodge a grievance. The Grievance shall be dealt with in a manner subject to Article 5.2(d) of this Manual of Procedures.

(iv) If it is determined that the Union's request for appeal is justified and a new wage grade is assigned, the new wage grade, except as otherwise provided, shall be effective as of the date the new job was established or the date the Employer was advised by the Union, in writing, of the change in the job content of the existing job.

(f) If a change in job content results in a lower evaluation and wage grade for a job, the incumbent of the job whose current rate is higher than the job rate of the changed job shall be identified as being "Red-Circled". Each incumbent with a designated "Red-Circled" wage rate shall continue to receive that rate for the duration of his or her employment in that position. Further, each such incumbent will continue to receive all negotiated general wage increases; such increases to be calculated on the job rate established for that position by the Job Evaluation Programme.

(g) If a change in job content results in a higher evaluation and wage grade for a job, the incumbent of the job whose current rate is below the job rate of the changed job shall have his or her wage rate designated "Green-Circled". "Green-Circled" rates shall be adjusted to the appropriate wage grade recognizing the incumbent's status within the existing wage grade increment structure, effective the date the new job was established or the date the Employer was advised by the Union, in writing, of the change in job content of the existing job.

(h) The Employer shall notify the Union in writing within thirty (30) calendar days of any change in the identification details of a job, ie. department, job code or job title.

(i) If the Employer decides a job classification is dormant, the Union shall be notified, in writing, within thirty (30) calendar days of such decision.

4.3 The Employer will provide the Union with organizational charts for the City and Region on an annual basis.

Article 5 - DESCRIBING AND RATING A JOB

5.1 The procedure for describing and rating a job shall be as follows:

(a) The incumbent will complete a Job Information Questionnaire for review and comment by the Supervisor, who will submit it to the Human Resources Centre in accordance with the requirements of this manual.

(b) The Joint Job Evaluation Committee shall review the proposed job description with the objective of reaching agreement thereon. A Union and Employer representative of the Joint Committee shall have the opportunity to conduct an on-the-job review of the job description with the incumbent or incumbents involved. If the Joint Committee reaches agreement on the job description, the job description shall be signed by the Union's and the Employer's representatives on the Joint Committee and shall be recognized, by the parties as the official description of the job in accordance with Article 2 Definitions - Job Description.

(c) Following agreement on the job description, the Joint Committee shall attempt to reach agreement on the rating of the job. If agreement is so reached, the rating of the job shall be confirmed in writing and signed by the Union's and Employer's representatives on the Joint Committee and shall be recognized by the parties as the official rating for the job.

(d) (i) If the incumbent(s) of the job disagree(s) with the job description or the rating of the job, an appeal of the job description and/or the rating may be lodged, within thirty (30) calendar days of receipt of the rating, by the incumbent(s) with the Joint Committee through the Manager of Wage and Salary Administration, with a copy being provided to the Union. The appeal, shall state, in writing, the reason or reasons why the incumbent(s) disagree(s) with the job description and/or the rating of the job.

(ii) Each appeal shall be submitted in writing on an official appeal form agreed to by the employer and the union and the appeal reply shall be made in writing on an official appeal decision form agreed to by the Employer and the Union. The appeal forms shall be available from the Union and from the Employer.

(ii) The Joint Job Evaluation Committee, in its discretion, may request the appearance of the incumbent in order to assist the Committee in its deliberations.

(e) The Joint Committee shall consider the appeal and inform the incumbents of its decision on the appeal. Such decision shall be considered final and binding upon the parties and upon the employees affected.

(f) The parties agree that the above-noted procedure for submitting and dealing with appeals shall be adhered to by both parties, provided that any of the time limits imposed herein may be extended, in writing, by mutual consent.

5.2 In the event the Joint Committee is unable to arrive at a decision on the job description and the rating for a job, the following procedure shall apply:

(a) The Employer shall install the proposed description and rating for the job and, in accordance with Article 6 herein, the wage grade to which the job is assigned.

(b) The Employer shall provide the Union with a copy of the installed job description and rating.

(c) The Union within thirty (30) calendar days following receipt of the copy of the installed job description and rating, may lodge a grievance with the Employer at Step 3 of the Grievance Procedure in the Collective Agreement in the same manner as if the receipt of the installed job description and rating by the Union was a reply to a grievance at Step 2. Such grievance shall state the Union's particular reasons for disagreeing with the job description and/or rating of the job and state, what in the Union's opinion, is the correct job description and/or rating and rating level, the particular reason for such rating and the numerical point values of any disputed factors.

(d) In the event the parties do not resolve the matter in dispute at Step 3 of the Grievance Procedure, the Union may submit the matter to arbitration in accordance with the provisions of the Grievance Procedure in the Collective Agreement.

(e) All relevant job evaluation documentation shall be available for presentation as evidence at the arbitration hearing.

Article 6 - APPLYING THE JOB DESCRIPTION AND RATING

6.1 The job descriptions and ratings determined in accordance with the Manual of Procedures and the Rating Manual apply in the assignment of each job, covered by this Programme, to its appropriate wage grade in accordance with the point ranges listed on page 8 of this manual.

The current Collective Agreement establishes the wage schedule for the wage grades and sets forth the necessary provisions to enable the application of the wage schedule to each job and the appropriate wage rate to each employee in the bargaining unit.

6.2 The Employer may establish, in response to market conditions or other factors, a job rate for a job which is different from that established by the Joint Job Evaluation Programme. In the event an out of scheduled rate for a job classification is introduced by the Employer, the Union shall be notified. The duration of the out of scheduled rate shall be a period of time mutually agreed to by the Employer and the Union. At the conclusion of that time period, the rate for the job classification shall be the evaluated rate.

All employees to whom this clause applies shall be notified accordingly of the evaluated rate for the job classification.

<u>WAGE</u> <u>GRADE</u>	<u>POINT</u> <u>RANGE</u>	<u>WAGE</u> <u>GRADE</u>	<u>POINT</u> <u>RANGE</u>	<u>WAGE</u> <u>GRADE</u>	<u>POINT</u> <u>RANGE</u>
1	0 - 160	16	441 - 460	31	741 - 760
2	161 - 180	17	461 - 480	32	761 - 780
3	181 - 200	18	481 - 500	33	781 - 800
4	201 - 220	19	501 - 520	34	801 - 820
5	221 - 240	20	521 - 540	35	821 - 840
6	241 - 260	21	541 - 560	36	841 - 860
7	261 - 280	22	561 - 580	37	861 - 880
8	281 - 300	23	581 - 600	38	881 - 900
9	301 - 320	24	601 - 620	39	901 - 920
10	321 - 340	25	621 - 640	40	921 - 940
11	341 - 360	26	641 - 660	41	941 - 960
12	361 - 380	27	661 - 680	42	961 - 980
13	381 - 400	28	681 - 700	43	981 - 1000
14	401 - 420	29	701 - 720		
15	421 - 440	30	721 - 740		

For the Union

Merritt

Brake

Samuel Lee

Bill Ferguson

Alfred A. Moskowitz

Mario Bixanti

Teri Costa

For the Employer

Robert Ferguson

Eugene Varnum

BY-LAW NO. 91 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 5th DAY OF MARCH A.D., 1991.

WHEREAS by Section 19 of The Municipal Act, being Chapter 302 of the Revised Statutes of Ontario, 1980, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 103 of The Municipal Act, being Chapter 302 of the Revised Statutes of Ontario 1980, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Deputy City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this day of A.D. 1991

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 91-

To Amend:

Zoning By-law No. 6593

Respecting:

PART OF LAND LOCATED AT MUNICIPAL NO. 1605 MAIN STREET EAST

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, applicable to Block 1, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the following special requirements that,

- (a) notwithstanding Section 14(1)(iib) of By-law No. 6593, a residential care facility for the accommodation of not more than 24 residents shall be permitted;
- (b) notwithstanding Section 18A(24)(b)(i) of By-law No. 6593, the access driveway shall have a width of not less than 3.34 m;
- (c) Section 18A(26) of By-law No. 6593 shall not apply.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" District provisions, subject to the special requirements referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1218.

4. Sheet No. E-64 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1218.

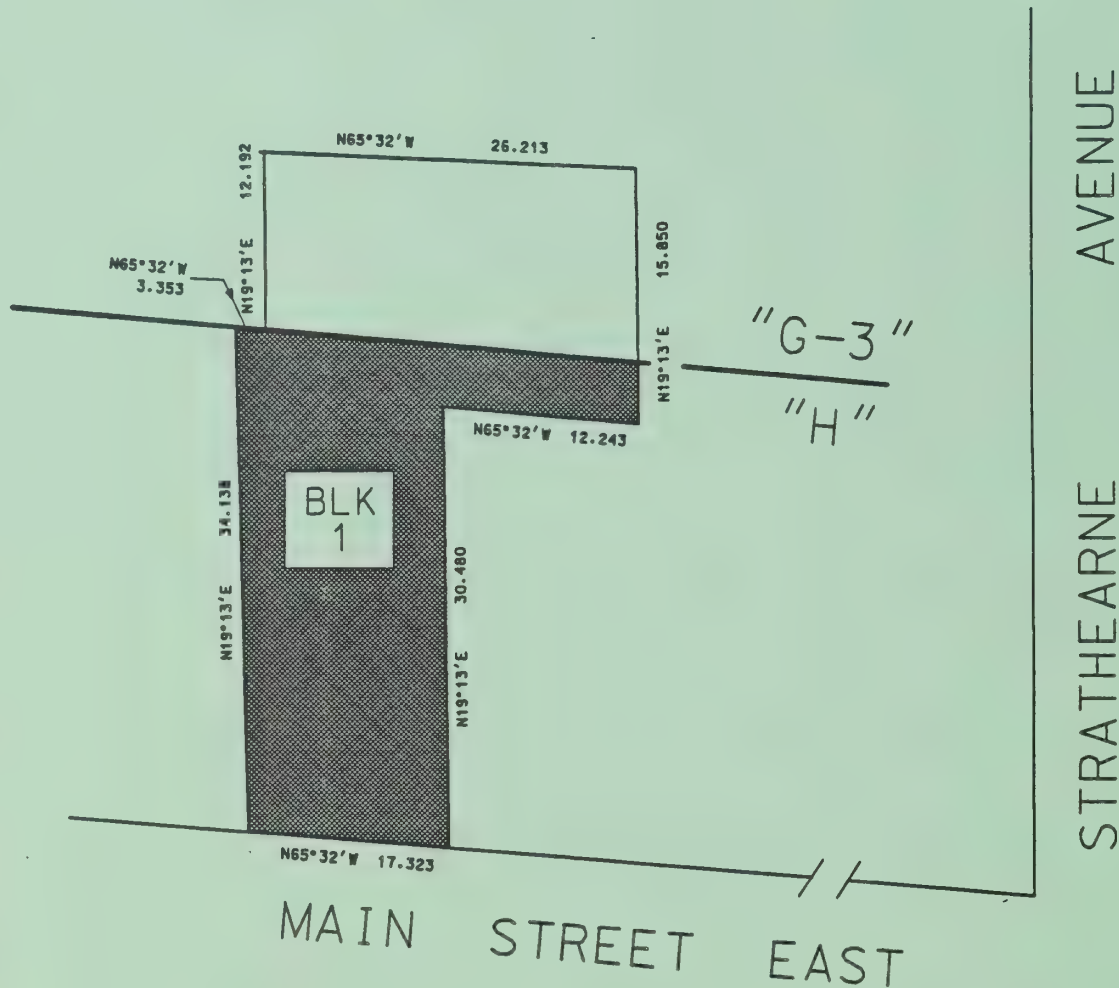
5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of A.D. 1991.

City Clerk

Mayor

(1991) 4 R.P.D.C. 8, March 12
J. Kozar, Owner
Amended ZA-90-91



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 91-____
Passed the _____ day of _____, 1991.

Clerk

Mayor

City of Hamilton
Schedule A
Map Forming Part of
By-Law No. 91-____
to Amend By-Law No. 6593
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend
Change in zoning from:



Lands to be regulated by
By-Law No. 91-



Scale
NOT TO SCALE

Reference File No.
ZA90-91

Date
MARCH, 1991

Drawn By
T.A.

The Corporation of the City of Hamilton

BY-LAW NO. 91-

To Amend:

Zoning By-law No. 6593
and To Repeal By-law No. 76-79 and By-law No. 89-106

Respecting:

**LANDS LOCATED ON THE SOUTH SIDE OF LANDRON AVENUE
BETWEEN UPPER KENILWORTH AVENUE AND LOCHEED DRIVE**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 76-79 on the 30th day of March 1976 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593 for the "D" District, in respect of the land located west of Upper Kenilworth Avenue in the area south of Mohawk Road East, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law was approved by the Ontario Municipal Board by Order dated the 3rd day of August 1976, (File No. R 761456);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 89-106 on the 28th day of March 1989 to change the zoning in respect of the lands located at part of Municipal Nos. 318 Lockheed Drive and 742 Upper Kenilworth Avenue, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with Section 34(19) of the Planning Act, 1983, S.O. 1983, c. 1;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 6 of the 4th Report of the Planning and Development Committee at its meeting held on the 12th day of March 1991, recommended that Zoning By-law No. 6593 be amended to change the zoning of the above-captioned land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", and that By-law No. 76-79 and By-law No. 89-106 be repealed in their entirety;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-59A of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "R-4" (Small Lot Single-Family Detached) District, the land comprised in Block 1, and

- (b) by changing from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District modified to "R-4" (Small Lot Single-Family Detached) District, the lands comprised in Blocks 2 and 3,

the extent and boundaries of each of which Blocks 1, 2 and 3 are shown on a plan hereto annexed as Schedule "A".

2. By-law No. 76-79 and By-law No. 89-106 are hereby repealed in their entirety.

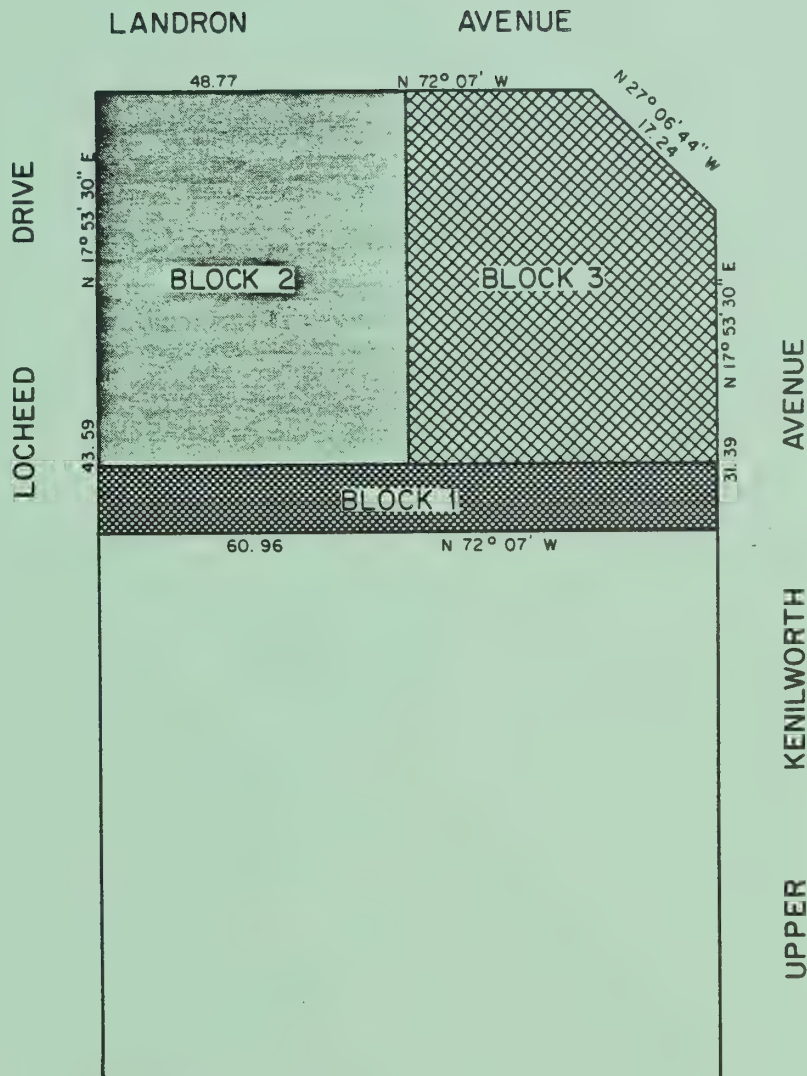
3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of A.D. 1991.

City Clerk

Mayor

(1991) 4 R.P.D.C. 6, March 12
S. Wise Construction Ltd., Owner
ZA-90-93



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No.91-.....
 Passed the day of, 1991.

.....
 Clerk

.....
 Mayor

City of Hamilton




Schedule A

Map Forming Part of
 By-Law No.91-.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend

	BLOCK 1 Change in zoning from "D" (Urban Protected Residential-One and Two Family Dwellings, Townhouses, etc.) District to "R-4" (Small Lot Single-Family Detached) District.
	BLOCK 2 Change in zoning from "D" (Urban Protected Residential-One and Two Family Dwellings, Townhouses, etc.) District, modified to "R-4" (Small Lot Single-Family Detached) District.
	BLOCK 3

North



Scale
 NOT TO SCALE

Date
 MARCH, 1991

Reference File No.
 ZA 90-93

Drawn By
 L.B.

BY-LAW NO. 91 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 9th DAY OF APRIL A.D., 1991.

WHEREAS by Section 19 of The Municipal Act, being Chapter 302 of the Revised Statutes of Ontario, 1980, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 103 of The Municipal Act, being Chapter 302 of the Revised Statutes of Ontario 1980, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Deputy City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this day of A.D. 1991

CITY CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 91-

**TO INCORPORATE PARTS 1 AND 2, PLAN 62R-11612
INTO SANATORIUM ROAD**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 298 of The Municipal Act, R.S.O. 1980, Chapter 302 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Sanatorium Road by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Sanatorium Road.

Part of Original Road Allowance between Concession 5 and 6 and Lot 17, Concession 6, former geographic Township of Barton, designated as Part 1, Plan 62R-11612 and part of Block "U", Registered Plan No. 1157, designated as Part 2, Plan 62R-11612

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1991.

City Clerk

Mayor

BY-LAW NO. 91 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 26 (No Parking Areas)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended;

a) by adding to **Section A (No Parking Anytime)** the following item, namely:-

"Macassa	North	Upper Sherman to East 33rd".
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b) by deleting from **Section B (Loading Zones)** the following item, namely:-

"Prospect	West	43 ft.	30 ft. south of Maplewood	9:00 a.m. - 6:00 p.m."
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and by adding thereto the following item, namely:-

"Prospect	West	43 feet	30 feet south of Maplewood	8:00 a.m. - 4:00 p.m. Mon - Fri".
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2. **Schedule 34 (Sticker Permit Parking)** is hereby amended by adding thereto the following items, namely:-

"Hughson	West	Macauley to Picton	Anytime
Burton	South	commencing at a point 91 feet east of Emerald to a point 22 feet easterly therefrom	Anytime".

and by deleting therefrom the following items, namely:-

"Burton	South	commencing at a point 104 feet east of Emerald to a point 22 feet easterly therefrom	Anytime
Woodbine	West	commencing at a point 215 feet north of Jones to a point 20 feet northerly therefrom	Anytime".

PASSED THIS DAY OF , A.D. 19 .

 CITY CLERK

 MAYOR

BY-LAW NO. 91 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 29 (No Stopping Areas)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Delmar	South	Laurier to 78 feet east	Anytime
Laurier	East	Deimar to 58 feet east	Anytime
Bendamere	North	Geneva to Columbia	8:00 a.m. - 4:00 p.m. Mon to Fri".

2. **Schedule 35 (Wheelchair Loading Zones)** is hereby amended by deleting therefrom the following item, namely:-

"Burton	South	25 feet	79 feet east of Emerald	Anytime".
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PASSED THIS DAY OF , A.D. 19 .

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 91-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 179 STONE CHURCH ROAD WEST

WHEREAS it is intended to change the zoning of the land hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-9C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

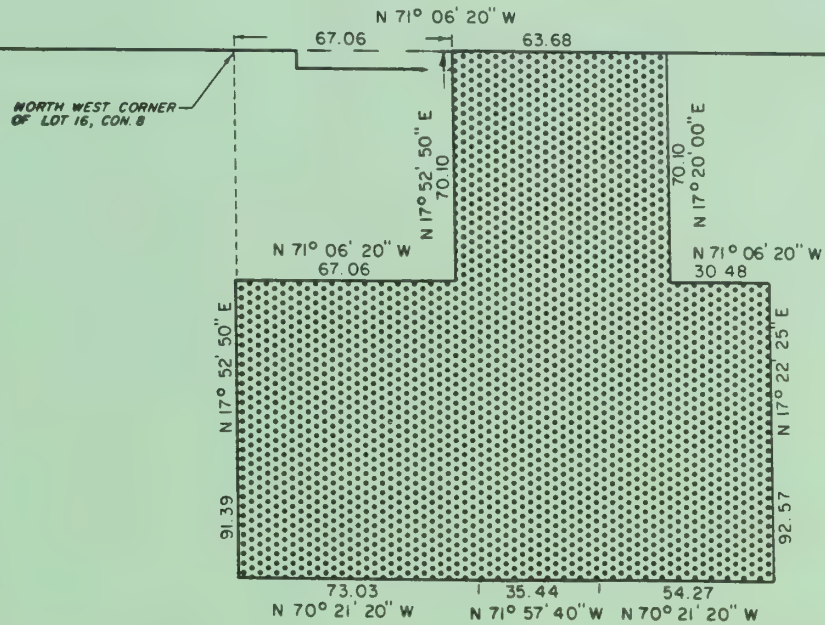
PASSED this day of A.D. 1991.

City Clerk

Mayor

(1991) 3 R.P.D.C. 13, February 26
Britannia Decorating and Painting Limited, Owner
ZA-90-77

STONE CHURCH ROAD WEST



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 91-.....
Passed the day of, 1991.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 91-.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:



"AA" (Agricultural) District to "C" (Urban
Protected Residential, etc.) District.

North

Scale
NOT TO SCALE

Reference File No.
ZA 90-77

Date
FEBRUARY, 1991

Drawn By
L.B.

The Corporation of the City of Hamilton

BY-LAW NO. 91-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 1258 UPPER WENTWORTH STREET

WHEREAS it is intended to change the zoning of the land hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-18C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

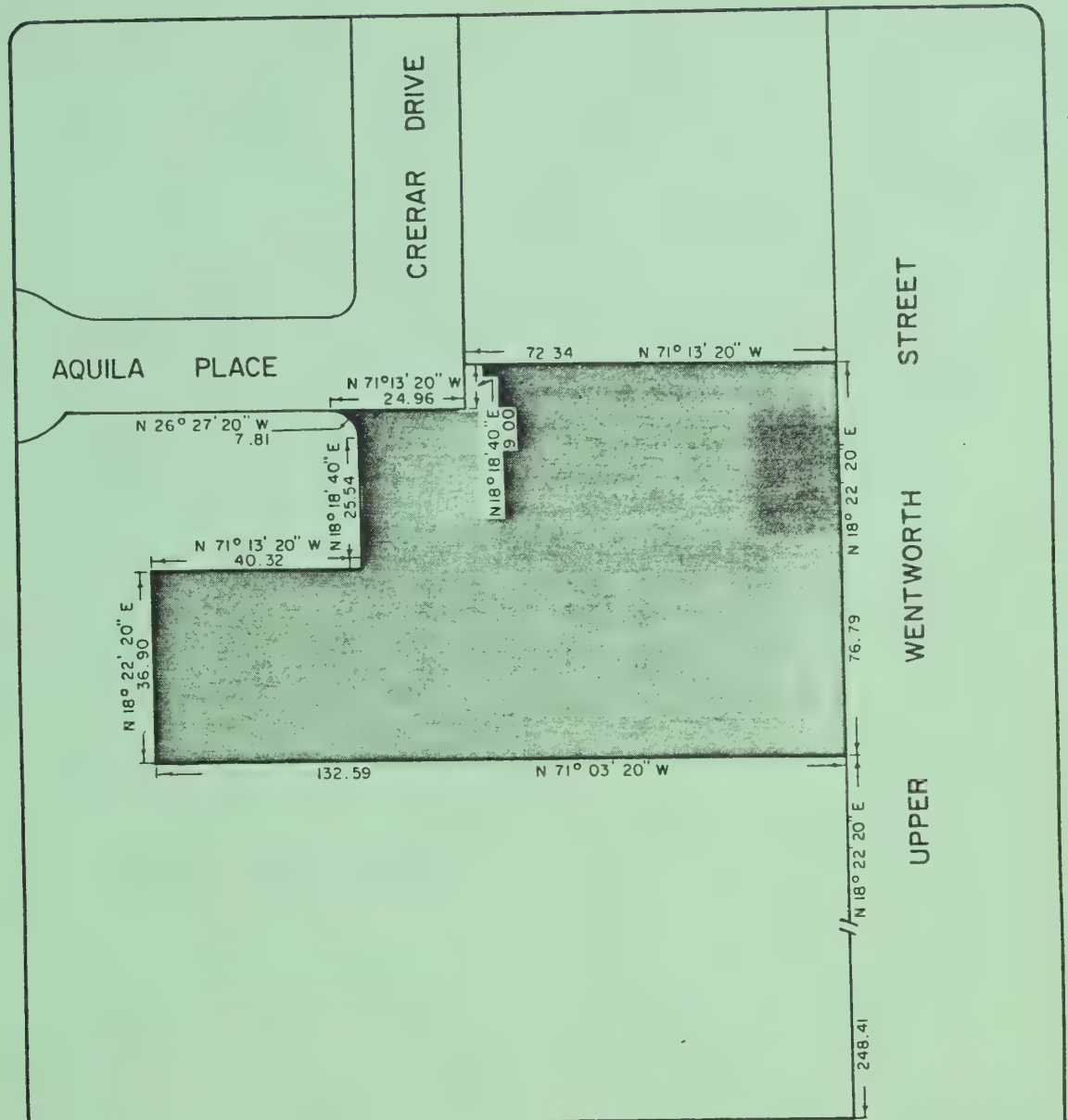
2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of A.D. 1991.

City Clerk

Mayor

(1991) 3 R.P.D.C. 15, February 26
Luciano Scornaienchi, Owner
ZA-90-81



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 91-.....
Passed the day of, 1991.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

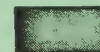
Map Forming Part of
By-Law No. 91-.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:
"AA" (Agricultural) District to "C" (Urban
Protected Residential, etc.) District.



North



Scale
NOT TO SCALE

Date
FEBRUARY, 1991

Reference File No.
ZA 90-81

Drawn By
L.B.

The Corporation of the City of Hamilton

BY-LAW NO. 91-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 18 WEST AVENUE SOUTH

WHEREAS it is intended to establish a special requirement under section 19B of By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11 of Zoning By-law No. 6593, applicable to the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the following special requirement that,

- (a) notwithstanding Section 11(1) of By-law No. 6593, the following uses shall be permitted:

COMMERCIAL USES:

- (i) a dental office,
- (ii) business and professional offices (excluding all medical offices except a dental office permitted in clause (i) above), and
- (iii) an optician's establishment,

within the building existing at the time of the passing of this by-law;

ACCESSORY USE:

- (i) one ground sign, wall sign or projecting sign having an area of not more than 0.4 m² non-illuminated or illuminated by non-flashing, indirect or interior means only, located at least 1.5 m from the nearest street line in connection with the commercial use.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E" District provisions, subject to the special requirement referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1161.

4. Sheets No. E-13 and E-14 of the District Maps are amended by marking the lands referred to in section 1 of this by-law, S-1161.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

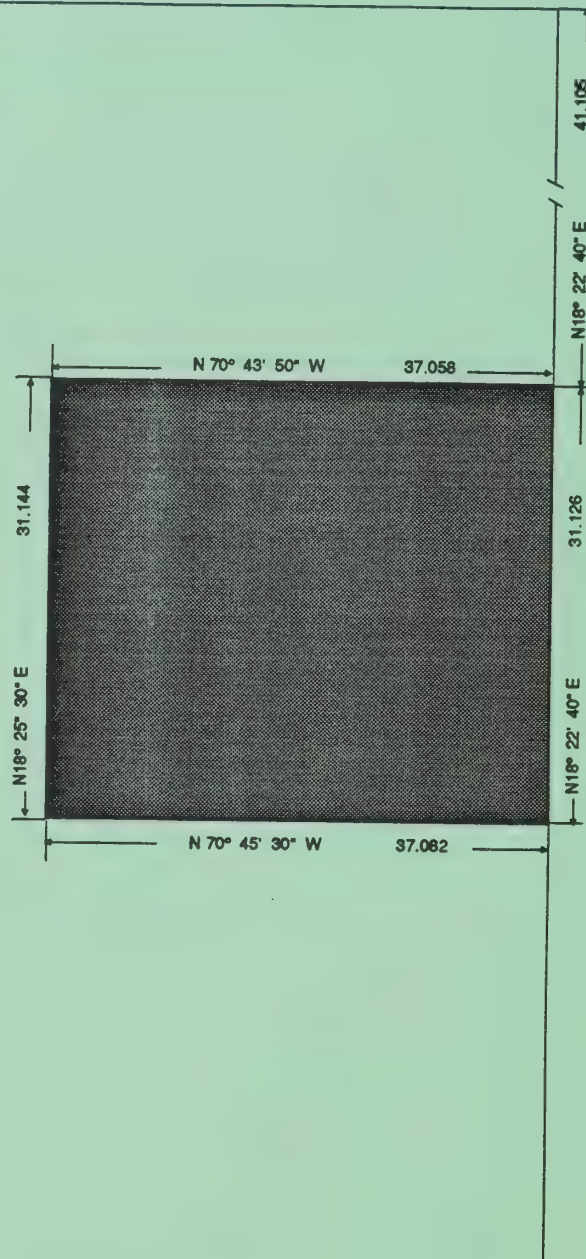
PASSED this day of A.D. 1991.

City Clerk

Mayor

(1990) 4 R.P.D.C. 27, February 13
LIUNA Local 837 Health and Welfare Plan, Owner
ZA-89-115

MAIN STREET EAST



WEST AVENUE SOUTH

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 9
Passed the day of , 199 .

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 9 -.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands to be regulated by
By-Law No: 9 -.....

North



Scale
NOT TO SCALE

Date
February, 1990

Reference File No.
ZA 89-115

Drawn By
T.A.

The Corporation of the City of Hamilton

BY-LAW NO. 91-

To Repeal By-law No. 83-242

Respecting:

DESIGNATION OF THE DOWNTOWN CORE AREA OF THE CITY OF HAMILTON
AS A REDEVELOPMENT AREA

WHEREAS By-law No. 83-242, passed on the 30th day of August 1983, designated the Downtown Core Area as a redevelopment area under Section 22 of the Planning Act, R.S.O. 1980, Chapter 379;

AND WHEREAS By-law No. 85-203, passed on the 8th day of October 1985 adopted a redevelopment plan for the Downtown Core Area;

AND WHEREAS By-law No. 86-185, passed on the 24th day of June 1986, amended the redevelopment plan for the Downtown Core Area;

AND WHEREAS By-law No. 86-280, passed on the 14th day of October 1986, further amended the redevelopment plan for the Downtown Core Area;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 5 of the 3rd Report of the Planning and Development Committee at its meeting held on February 26, 1991, was satisfied that the community improvement has been carried out and that the Community Improvement Project Area should be dissolved.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The Downtown Core Redevelopment Area as described on Schedule "A" and shown on Schedule "B" hereto annexed and forming part of this by-law, is hereby dissolved.

2. By-law No. 83-242, By-law No. 85-203, By-law No. 86-185 and By-law No. 86-280 are hereby repealed in their entirety.

PASSED this day of A.D. 1991.

City Clerk

Mayor

(1991) 3 R.P.D.C. 5, February 26

DESCRIPTION OF:
CORE REDEVELOPMENT AREA

Beginning at the north-east corner of the intersection of James Street and Wilson Street.

Thence easterly along the northern limit of Wilson Street one hundred sixty two feet more or less to the north-east corner of the 'York Street Urban Redevelopment Area' being the point of commencement.

Thence easterly along the northern limits of Wilson Street to the north-east corner of the intersection at Catharine Street.

Thence southerly along the eastern limit of said Catharine Street to its intersection with the northern limit of Rebecca Street.

Thence easterly along the northern limits of Rebecca Street to the north-east corner of the intersection of the said Rebecca Street and Ferguson Avenue.

Thence southerly along the eastern limit of Ferguson Avenue to it's intersection with the northern limit of King William Street.

Thence easterly along the northern limits of King William Street to it's intersection with the western limit of Wellington Street.

Thence southerly along the western limits of Wellington Street to the south-west corner of the intersection of Main Street and Wellington Street.

Thence westerly along the southern limits of said Main Street to it's intersection with western limit of James Street.

Thence westerly along the southern limit of Main Street a distance of one hundred and eighty one feet more or less to its intersection with the southerly production of the south eastern limit of the 'Lloyd D. Jackson Square Redevelopment Area'.

Thence northerly to and along the south-eastern limit of the said 'Lloyd D. Jackson Square' namely:

N 18 08' 10" E two hundred and eighty-five point five feet (285.5') more or less to the north-westerly corner of the lands owned by the Royal Bank of Canada;

N 71 29' W fifty two feet (52.0');

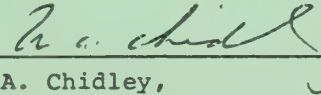
N 18 22' 20" E eighty seven point nine feet (87.9');

S 69 13' 20" E eighty nine point two feet (89.2') more or less to the south-west corner of the Bank of Hamilton Survey, Registered Plan No. 201;

S 69 13' 20" E along the southern limit of the said Bank of Hamilton Survey and its easterly production to a point in the eastern limit of James Street.

Thence northerly following the eastern limits of the said 'Lloyd D. Jackson Square Redevelopment Area', being the eastern limit of James Street, to it's intersection with the southerly limit of 'York Street Urban Redevelopment Area', being the southern limit of Wilson Street as widened by City of Hamilton By-law No. 71-284.

Thence easterly and northerly following the said 'York Street Urban Redevelopment Area' to the point of commencement.



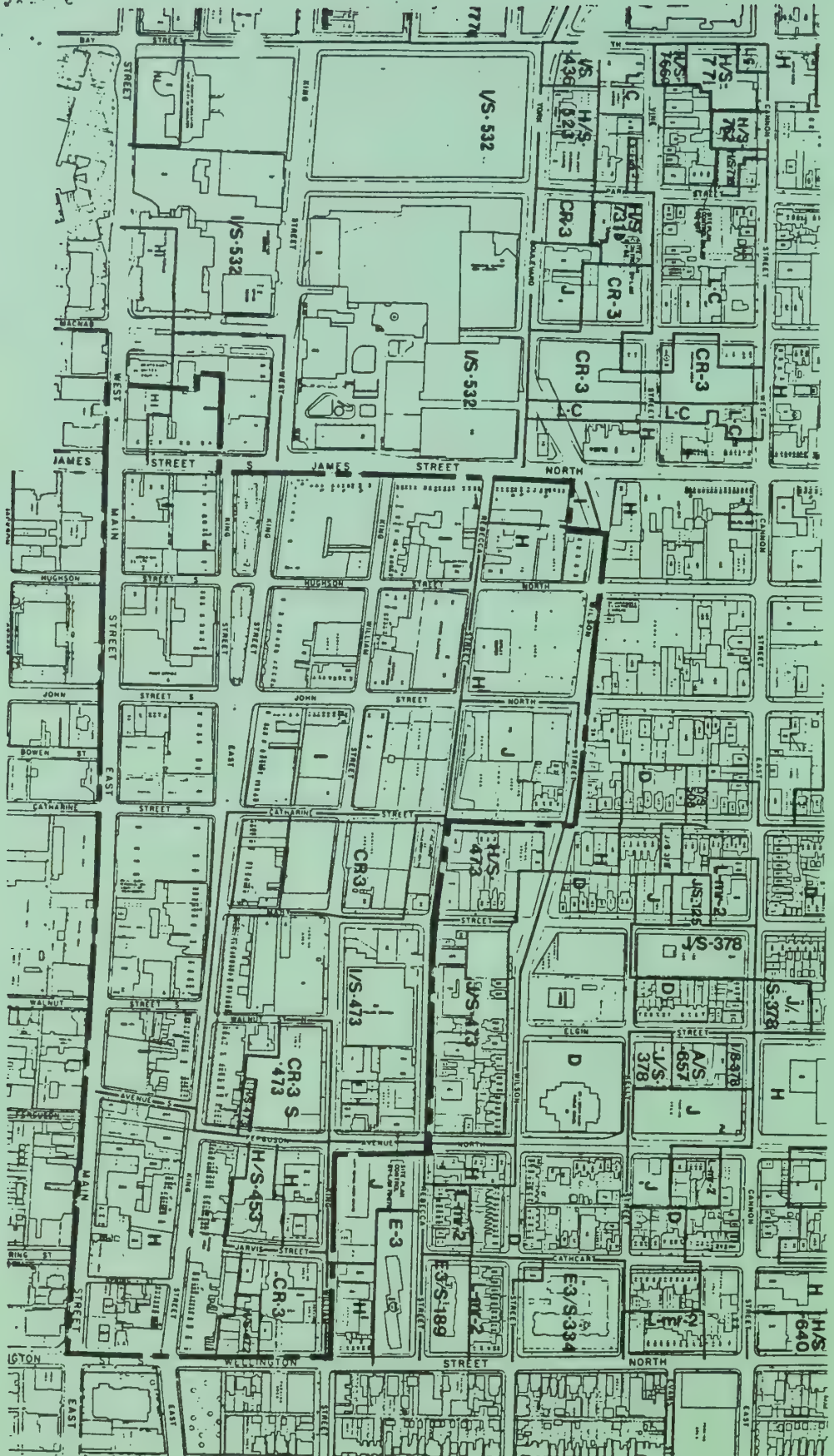
M. A. Chidley,
Ontario Land Surveyor

Regional Municipality
of Hamilton-Wentworth
Department of Engineering
83 05 27

This is Schedule 'A' to By-law No.
of , A.D. 19

passed on the

day



CITY OF HAMILTON CORE REDEVELOPMENT AREA

BILL No.

This is Schedule 'B' to By-law No.
, A.D. 19

passed on the

day of

The Corporation of the City of Hamilton

BY-LAW NO. 91-

To Authorize:

**CONSTRUCTION OF A SENIOR CITIZEN'S CENTRE
AT SACKVILLE HILL MEMORIAL PARK**

WHEREAS the Ontario Municipal Board by Order dated the 8th day of February 1991, (File No. E 901383), approved,

- (a) the construction of a Senior Citizens Centre at Sackville Hill Memorial Park at an estimated cost of \$3,500,000.00, and the borrowing of money by way of temporary advances not exceeding in the aggregate such estimated cost pending the sale of debentures, and
- (b) the issuance of the necessary debentures to a maximum of \$3,500,000.00 for a term not to exceed twenty years by The Regional Municipality of Hamilton-Wentworth chargeable to the applicant corporation;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The undertaking described as the construction of a Senior Citizen's Centre at Sackville Hill Memorial Park may now be proceeded with in accordance with the Ontario Municipal Board Order dated the 8th day of February 1991.

2. The proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all such things necessary to give effect to the said Order of the Ontario Municipal Board.

PASSED this day of A.D. 1991.

City Clerk

Mayor

(1990) 25 R.F.A.C. 25, November 13

BY-LAW NO. 91 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 26th DAY OF MARCH A.D., 1991.

WHEREAS by Section 19 of The Municipal Act, being Chapter 302 of the Revised Statutes of Ontario, 1980, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 103 of The Municipal Act, being Chapter 302 of the Revised Statutes of Ontario 1980, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Deputy City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this day of A.D. 1991

CITY CLERK

MAYOR

K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

TEL: 546-2700
FAX: 546-2095

THE CORPORATION

OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

URBAN/MUNICIPAL
CA4 ON HBL AOS
BOST A31

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, March 26, 1991
7:30 o'clock p.m.
Council Chambers, City Hall**

A G E N D A

1. Opening Prayer

The Reverend Eleanor Epp-Stobbe
Mennonite Church (Hamilton)

2. Mayor's Award of Merit

Maurice Carter

3. Civic Awards

- Hamilton-Wentworth Aquatic Club - Provincial and National Champions

4. Presentation:

- Keep Hamilton Clean Committee - Vera Mitropoulos
- Barb Forsyth

5. Presentation by Ontario Good Roads Association

- Concrete Resource Recycling Program - Mr. J. Pavelka, Mr. D. Lobo

6. Proclamation:

- Tornado Awareness Day - April 9, 1991

7. Minutes

- (a) March 12, 1991
- (b) March 21, 1991 (special meeting)

8. Petitions and Correspondence

9. Reports of the Standing Committees

- (a) Transport and Environment Committee
- (b) Parks and Recreation Committee
- (c) Planning and Development Committee
- (e) Licensing Committee
- (f) Mayor's Report
- (h) Finance and Administration Committee

10. Notices of Motion for Next Meeting

11. First Reading of the Bills

12. Second Reading of the Bills - Committee of the Whole

13. Third Reading of the Bills

14. Question Period

15. Adjournment

MINUTES

March 12, 1991

**Hamilton City Council
March 12, 1991
7:30 o'clock p.m.
Council Chamber, City Hall**

The Council met.

Present: Mayor R. M. Morrow.

Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Copps,
Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher,
Ross.

Absent: Alderman Agro - vacation
Alderman Murray - vacation

His Worship Mayor Robert M. Morrow called the meeting to order.

* * * * *

Major Lloyd Boone, The Salvation Army led the Council in prayer.

* * * * *

Mayor Morrow read the following proclamation:

Red Cross Month - March 1991

* * * * *

March 12, 1991

The minutes of the meeting held February 25, 1991 and the special meeting of March 5, 1991 were approved.

* * * * *

The following correspondence was received and dealt with as follows:

1. Letter dated March 1, 1991 from Dr. James Morreale, Trustee, Leander Boat Club respecting the proposed boat launch on Simcoe Street.

Referred to the Parks and Recreation Committee

2. Resolution from the Township of St. Vincent respecting Waste Disposal Site.

Referred to the Transport and Environment Committee

3. Application dated February 25, 1991 from 829145 Ontario Inc., 169 Rifle Range Road, Hamilton, Ontario, for a modification to the "H" (Community Shopping and Commercial, etc.) District regulations for property at No. 324 Queenston Road, Hamilton, Ontario.

Received.

4. Application dated February 26, 1991 from Domenic and Irene Golfi, 139 Burrwood Drive, Hamilton, Ontario for a modification to "C" (Urban Protected Residential, etc.) District regulations for No. 66 East 14th Street, Hamilton, Ontario.

Received.

5. Application dated February 27, 1991 from The Hamilton Young Women's Christian Association, 75 MacNab Street South, Hamilton, Ontario for a modification to the "HI" (Civic Centre Protected) District regulations for property at No. 75 MacNab Street South, Hamilton, Ontario.

Received.

March 12, 1991

6. Application dated February 28, 1991 from W. Alex Hemstreet, 914 Upper James Street, Hamilton, Ontario for a change in zoning from "C" (Urban Protected Residential etc.) District to "H" (Community Shopping and Commercial, etc.) District modified for property at No. 1341 Upper James Street, Hamilton, Ontario.

Received.

7. Application dated March 4, 1991 from Jane Pye and Ronald Pye, 356 Mountain Brow Blvd. for a change in zoning from "D" (Urban Protected Residential - One and Two Family, Townhouses, etc.) District to "G-3" (Public Parking Lots) District for Nos. 328 and 332 Victoria Avenue North, Hamilton, Ontario.

Received.

8. Letter dated February 27th, 1991 from K. E. Avery, City Clerk respecting an objection to By-law No. 90-248 respecting Day Nurseries. (previously distributed)

No Action.

9. Letter dated March 11, 1991 from Mr. Paul Drake re: Hamilton Harbour Commission vacancy appointment process.

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman McCulloch

RESOLVED: That the reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be now considered in Committee of the Whole with Alderman Agostino in the chair.

Recorded vote.

Yeas: Mayor Morrow, Aldermen Kiss, McCulloch, Hinkley, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Ross. -14.

Nays: -0.

CARRIED.

* * * * *

March 12, 1991

TRANSPORT AND ENVIRONMENT COMMITTEE - FIFTH REPORT

Section 11 Re: Promotional Banner Across Main Street West - Ontario Games for the Physically Disabled.

Recorded Vote.

Yeas: Mayor Morrow, Aldermen Kiss, McCulloch, Hinkley, Drury, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Ross. -13.

Nays: Alderman Copps. -1. **CARRIED.**

* * * * *

Section 12 Re: Promotional Banner Across Main Street West - Around-the-Bay Road Race Organization.

Recorded Vote.

Yeas: Mayor Morrow, Aldermen Kiss, McCulloch, Hinkley, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Ross. -12.

Nays: Alderman Copps. -1. **CARRIED.**

Alderman Drury declared personal interest in, took no part in the debate and refrained from voting on this matter. He is a member of the Around-the-Bay Road Race Organization.

* * * * *

Section 15 Re: Abandon a portion of the Hagersville Subdivision trackage

It was moved by Alderman Hinkley and seconded by Alderman Drury

RESOLVED: That Sub-section (d) of Section 15 of the Fifth Report of the Transport and Environment Committee be amended by:

"adding the words "and/or maintain" following the word "remove" in the fourth line. **CARRIED.**

* * * * *

March 12, 1991

PARKS AND RECREATION COMMITTEE - FIFTH REPORT

Section 1 Re: Hamilton Press Club - Selling Beer during Baseball Tournament.

Recorded vote.

Yeas: Mayor Morrow, Aldermen Kiss, McCulloch, Hinkley, Copps, Wilson, Agostino, Lombardo, Formosi, Merling, Gallagher, Ross. -12.

Nays: Alderman Jackson. -1.

CARRIED.

Alderman Drury declared personal interest in, took no part in the debate and refrained from voting on this matter. Alderman Drury will be playing in this tournament.

* * * * *

Section 8 Re: Bestco Construction Corp. - Mountain Arena "Twinning" Project.

It was moved by Alderman Gallagher and seconded by Alderman Merling

RESOLVED: That the following be added as section 8 of the Fifth Report of the Parks and Recreation Committee:

8. That the City resolve the claim by Bestco Construction Corp. for payment for alleged extras on the Mountain Arena "Twinning" project by the payment to Bestco of \$32,000. in full and final settlement of all outstanding claims, such payment to be conditional upon execution of a release satisfactory to the Law Department.

CARRIED.

* * * * *

March 12, 1991

PLANNING AND DEVELOPMENT COMMITTEE - FOURTH REPORT

Section 8 Re: Zoning Application 90-91 - 1605 Main Street East

Recorded vote.

Yeas: Mayor Morrow, Aldermen Kiss, McCulloch, Hinkley, Drury, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Ross. -13.

Nays: Alderman Copps. -1. **CARRIED.**

* * * * *

FINANCE AND ADMINISTRATION COMMITTEE - FIFTH REPORT

Section 17 Re: Evening Public Meeting - Smoking in Public Places By-law.

Alderman Jackson declared personal interest in, took no part in the debate and refrained from voting on this matter. His Coffee Shop could be affected.

* * * * *

Section 29 Re: Formal Invitation to three local members of the Federal Government to meet with the Finance and Administration Committee be extended.

Recorded vote.

Yeas: Mayor Morrow, Aldermen Kiss, McCulloch, Hinkley, Drury, Copps, Wilson, Agostino, Formosi, Jackson, Merling, Gallagher, Ross. -13.

Nays: Alderman Lombardo. -1. **CARRIED.**

* * * * *

March 12, 1991

Section 30 Re: Process of Interviewing Applicants for citizen appointment to the Hamilton Harbour Commission be dispensed.

It was moved by Alderman McCulloch and seconded by Alderman Copps

RESOLVED: That section 30 of the Fifth Report of the Finance and Administration Committee be referred back and that all applicants be given the opportunity of an interview.

Recorded vote.

Yeas: Mayor Morrow, Aldermen Kiss, McCulloch, Hinkley, Drury, Copps, Wilson, Jackson. -8.

Nays: Aldermen Cooke, Agostino, Lombardo, Formosi, Merling, Gallagher, Ross. -7. **CARRIED.**

* * * * *

Section 31 Re: Grant - Hamilton Sertoma Club

Alderman Drury declared personal interest in, took no part in the debate and refrained from voting on this matter. Alderman Drury is a member of the Around-the-Bay Road Race.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman McCulloch

RESOLVED: That the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee and resolutions, be adopted.

March 12, 1991

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Gallagher, Ross. -14.

NAYS: 0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman McCulloch

RESOLVED: That the following Bills be now read a first time:

A-22, A-23, A-24, A-25.

C-11, C-12, C-13, C-14, C-15, C-16, C-17, C-18.

H-5, H-6.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Gallagher, Ross. -14.

NAYS: 0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman McCulloch that Council move into Committee of the Whole to consider the following Bills, with Alderman Agostino in the chair. (second reading)

A-22, A-23, A-24, A-25.

C-11, C-12, C-13, C-14, C-15, C-16, C-17, C-18.

H-5, H-6.

March 12, 1991

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Copps,
Wilson, Agostino, Lombardo, Formosi, Jackson, Gallagher, Ross. -14.

NAYS: 0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Kiss and seconded by Alderman McCulloch

RESOLVED: That the Report of the Committee of the Whole on the following Bills,
be adopted. -

A-22, A-23, A-24, A-25.

C-11, C-12, C-13, C-14, C-15, C-16, C-17, C-18.

H-5, H-6.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Copps,
Wilson, Agostino, Lombardo, Formosi, Jackson, Gallagher, Ross. -14.

NAYS: 0.

CARRIED.

* * * * *

March 12, 1991

It was moved by Alderman Kiss and seconded by Alderman McCulloch

RESOLVED: That the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

A-22, A-23, A-24, A-25.

C-11, C-12, C-13, C-14, C-15, C-16, C-17, C-18.

H-5, H-6.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Gallagher, Ross. -14.

NAYS: 0.

CARRIED.

* * * * *

City Council then adjourned at 9:40 o'clock p.m.

* * * * *

March 21, 1991

Hamilton City Council
March 21, 1991
3:30 o'clock p.m.
Room 233, City Hall

The Council met.

Present: Mayor R. M. Morrow

Aldermen Cooke, Kiss, McCulloch, Agro, Hinkley, Drury, Copps,
Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher,
Murray, Ross.

His Worship Mayor Robert M. Morrow called the meeting to order.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: That the Report of the City Council Committee of the Whole be now
considered in Committee of the Whole with Mayor Morrow in the
chair.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Agro, Hinkley, Drury,
Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher,
Murray, Ross. -17.

NAYS: 0. CARRIED.

* * * * *

REPORT OF THE CITY COUNCIL COMMITTEE OF THE WHOLE - FIRST REPORT

* * * * *

March 21, 1991

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the Report of the Committee of the Whole on the Report of the City Council Committee of the Whole, be adopted.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Agro, Hinkley, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That Bill H-7 be now read a first time.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Agro, Hinkley, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That Bill H-7 be now considered in Committee of the Whole with Mayor Morrow in the chair.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Agro, Hinkley, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

March 21, 1991

Consideration of Bill H-7 (second reading)

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the Report of the Committee of the Whole on Bill H-7 be adopted.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Agro, Hinkley, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray, Ross. -17.

NAYS: -0. CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That Bill H-7 be now read a third time, signed, sealed and enrolled as a By-law.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Agro, Hinkley, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray, Ross. -17.

NAYS: -0. CARRIED.

* * * * *

City Council then adjourned at 3:45 p.m.

* * * * *

CORRESPONDENCE

1. Application dated March 11, 1991 from Trillium Funeral Services Corporation, 2 Jane Street, Suite 301, Toronto, Ontario for a change in zoning from "G-3" (Public Parking Lots) District modified to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District for properties at Nos. 25 & 27 West Avenue North, Hamilton, Ontario.

Recommendation: **Be Received.**

2. Application dated March 14, 1991 from St. Elizabeth Home Society, 393 Rymal Road West, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District for lands north of Rymal Road West and east of Garth Street, Hamilton, Ontario.

Recommendation: **Be Received.**

3. Application dated March 18, 1991 from Vedemo Construction Limited, 155 Market Street, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District and "D" (Urban Protected Residential - One and Two Family, Townhouses, etc.) District to "RT-20" (Townhouse-Maisonette) District for lands on the west side of Bow Valley Drive and south of Highridge Avenue, Hamilton, Ontario.

Recommendation: **Be Received.**

4. Application dated March 19, 1991 from Patricia Costen and 892987 Ontario Inc., (Fred Spencer), 155 Dundonald Avenue, Hamilton, Ontario for a modification to the "G" (Neighbourhood Shopping Centre, etc.) District for 147-155 Dundonald Avenue, Hamilton, Ontario.

Recommendation: **Be Received.**

5. Application dated March 20, 1991 from Fiore Manganiello (in trust), 90 Country Club Drive, Hamilton, Ontario for a change in zoning from "L-mr-2" (Planned Development Multiple Residential) District to "H" (Community Shopping and Commercial, etc.) District for Nos. 87, 89, 91, 93, 95 Wellington Street North and 216 Wilson Street North, Hamilton, Ontario.

Recommendation: **Be Received.**

6. Application dated March 20, 1991 from Rymal Gardens Inc., 158 Hester Street, Hamilton, Ontario for a change in zoning from "C" (Urban Protected Residential, etc.) ZDistrict to "RT-20" (Townhouse-Maisonette) District and "R-4" (Small Lot Single-Family Detached) District for lands south of Rymal Road and West of the proposed extension of Upper Wentworth Street, Hamilton, Ontario.

Recommendation: **Be Received.**

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its **SIXTH** Report for 1991 and respectfully recommends:

1. That a purchase order be issued for the supply and delivery of Sign Blanks for the Traffic Department in accordance with specifications issued by the Manager of Purchasing and Vendors' tenders, as follows:

- (a) Acme Signs (Ontario) Inc., Rexdale

- In the amount of \$65,659.10

- (b) Provincial Traffic Signs, Port Perry

- In the amount of \$124,071.60

- Provincial sales tax extra at 8%

NOTE: Lowest of two (2) tenders received. Funds provided in Traffic Sign Materials Account No. 56154 75999.

2. That the Acting Commissioner of Engineering be authorized to award to Hamilton Bench Advertising Limited (585 Main Street East, Hamilton, L8M 1J4) the contract to place advertising benches on City of Hamilton road allowances for a four year period, for the following amounts:

- (i) \$48.00 per bench for the year of 1991

- (ii) \$48.00 per bench for the year of 1992

- (iii) \$54.00 per bench for the year of 1993

- (iv) \$54.00 per bench for the year of 1994

subject to the following conditions:

- (a) That an Agreement be entered into with the City of Hamilton to the satisfaction of the Acting Commissioner of Engineering and the City Solicitor.
- (b) That the applicant provide an alphabetical street name inventory, defining where all benches are placed on the road allowance.
- (c) That the applicant provide, at the time of each annual payment, a map on which each bench location shall be shown.
- (d) That the applicant provide \$2,000,000.00 public liability insurance, naming the City as an added insured party, and saving the City harmless from all action, interests, claims, demands, costs, damages, expenses and loss.
- (e) That the Mayor and City Clerk be authorized and directed to execute the Agreement on behalf of the City.
- (f) That no benches with advertising be placed in the City of Hamilton's "Downtown Area" bounded by and including Main Street and Wilson Street, and Bay Street and Wellington Street.
- (g) That no benches with advertising be placed at bus stops with transit shelters where advertising is on the transit shelter, such restriction not to apply to benches for charitable organizations or for benches without advertising.
- (h) That the successful applicant be permitted to install a maximum of 500 benches at locations determined by the following criteria:
 - (i) No bench shall be placed in such a manner as to obstruct pedestrian traffic and in no case shall it be placed on a sidewalk having a width of 2.0 m or less.

- (ii) No bench shall be placed within 6.0 m of any fire hydrant.
 - (iii) No bench shall be placed so as to interfere with or obstruct any street maintenance operation, and in no case shall a bench be within 11.0 m of a bus stop during the months of December to April inclusive.
 - (iv) Benches shall not be installed until prior approval of each bench location is received from the Senior Director, Roads, and in all commercial areas, benches shall not be installed without first obtaining the approval of the Neighbourhood Business Association. All benches shall be maintained to the satisfaction of the Senior Director, Roads.
- 3.
 - (a) That the necessary By-law be prepared by the City Solicitor and the City Clerk be authorized and directed to advertise the By-law as required by Section 301 of the Municipal Act, outlining the City's intention to alter Glencarry Avenue by narrowing one lane from King Street to approximately 28.6 northerly; and,
 - (b) That, if approved, the work will be incorporated into the King Street Realignment Contract FP0-91 being undertaken by the Region's Freeway Project Office.
- 4.
 - (a) That the City lands known as Parts 1 and 2, Plan 62R-11612 be incorporated into Sanatorium Road.
 - (b) That the appropriate By-law to carry out the incorporation of the said land into the foregoing street be enacted by Council.
 - (c) That the Commissioner of Engineering be authorized and directed to register the By-law.

5.
 - (a) That the Transport and Environment Committee recommend to City Council that the construction of an independent concrete sidewalk on the south side of Limeridge Road between Upper Sherman Avenue and the Hydro Right-of-Way be proceeded with as a Local Improvement pursuant to Section 12 of the Local Improvement Act, at an estimated gross cost of \$43,300.00 as provided for in the 1991 portion of the 1991 - 1995 Capital Budget, City's share \$9,126.18 and Owner's share \$34,173.82.
 - (b) That the Finance and Administration Committee be requested to recommend a source of funds for this Capital Project;
 - (c) That the Acting Commissioner of Engineering be authorized and directed to construct these works on behalf of the City of Hamilton, once all the necessary approvals have been received; and,
 - (d) That the City Clerk and City Treasurer be directed to give the necessary notice of the Council's intention to undertake these works.
6.
 - (a) That the City accept title to Parts 21 to 24 (inclusive) and Parts 27 to 30 (inclusive) on a plan of reference prepared by K. Lau, O.L.S. from the Region for one dollar (\$1.00) and the Mayor and City Clerk be authorized to execute all required documents for the said transfer.

NOTE: The Region's Solicitor is to prepare the necessary deeds and documents to certify title to the City. These lands are required for the extension of Benjamin Drive, the establishment of Theodore Drive to its full width and appropriate 0.30 m reserves.

- (b) That application be made to the Region for approval to:
 - (i) Establish Benjamin Drive from the south limit of "Effort Gardens" subdivision onto the north side of Stone Church Road East (Regional Road No. 116) and Theodore Drive from 17.644 m east of Benjamin Drive to 87.323 m west in the "Effort Gardens" subdivision, and,

- (ii) Establish Dicenzo Drive from the north limit of "Coventry Gardens" subdivision on to the south side of Stone Church Road East (Regional Road No. 116)

as public road allowances pursuant to Section 48 (3) of the Regional Municipality of Hamilton-Wentworth Act.

7. That the City Traffic By-law No. 89-72 be amended to provide for the following:

- (a) That the existing "No Parking 9:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the west side of Prospect Street South commencing 30 feet south of Maplewood Avenue and extending to a point 43 feet southerly therefrom, be revised, such that the regulation is in effect during the hours 8:00 a.m. to 4:00 p.m., Monday to Friday.
- (b)
 - (i) That a "Permit Parking" regulation be implemented on the west side of Hughson Street North between Macauley Street and Picton Street; and
 - (ii) That the Director of Traffic Services be authorized to issue, upon request, one parking permit to each of the first 14 eligible applicants residing in the block to a maximum of 14 permits.
- (c) That a "No Stopping, 8:00 a.m. to 4:00 p.m., Monday to Friday" regulation be implemented on the north side of Bendamere Avenue between Geneva Drive and Columbia Drive.
- (d) That a "No Parking" regulation be implemented on the north side of Macassa Avenue between Upper Sherman Avenue and East 33rd Street.

- (e) (i) That the existing "No Stopping, Wheelchair Loading Only" regulation on the south side of Burton Street which commences 79 feet east of Emerald Street North and extends to a point 25 feet easterly therefrom, be removed; and
 - (ii) That the existing "Permit Parking" regulation on the south side of Burton Street which commences 104 feet east of Emerald Street North and extends to a point 22 feet easterly therefrom be relocated such that the regulation commences at a point 91 feet east of Emerald and extends to a point 22 feet easterly therefrom.
 - (f) That the existing "Permit Parking" regulation on the west side of Woodbine Crescent commencing at a point 215 feet north of Jones Street and extending to a point 20 feet northerly therefrom, be removed.
 - (g) (i) That a "No Stopping" regulation be implemented on the south side of Delmar Drive commencing at Laurier Avenue and extending to a point 78 feet easterly therefrom; and
 - (ii) That a "No Stopping" regulation be implemented on the east side of Laurier Avenue commencing at Delmar Drive and extending to a point 58 feet southerly therefrom.
8. (a) That, in accordance with Section 70 of the Police Act, the following person be appointed as a Parking Control Officer:
- Mr. Jack Stuart Anthony
- (b) That the previous list of personnel appointed as Parking Control Officers be revised by deleting the following names:
- Mr. Lorne J. LeBlanc
- Mr. Grant M. Spence

9. That the Director of Traffic Services be authorized to issue, upon request, one time limit exemption permit to Mr. John Wallin, 123 Charlton Avenue East, Apartment No. 1201.
10.
 - (a) That the existing residential boulevard parking agreement registered as Instrument No. 398152 C.D. to the property at No. 101 Barnesdale Avenue North be discharged at the property owner's expense; and
 - (b) That the City Solicitor be directed to process the documents in relation to the discharge of this agreement.
11.
 - (a) That Section 5 (a) and (b) of the Sixteenth Report of the Transport and Environment Committee, approved by City Council on November 27, 1990, be rescinded in its entirety and replaced by:
 - (i) That an Offer to Purchase (Easement) agreement executed by officials of Union Gas Limited on February 19, 1991 and scheduled for closing June 21, 1991, for the installation of an N.P.S. 8 Pipe along the southerly limit of Stone Church Road East, east of Upper James Street, more particularly shown as Parts 1, 2 and 3 on Registered Plan 62R-11624, said subject parcels having an overall frontage of 72 metres (236.4 feet), more or less, by a depth of 5.184 metres (16.46 feet) more or less, be approved and completed.

The purchase price of \$1,001.00 is to be credited as follows: \$1.00 to Account No. 4X999 00107 (Service Through Unsubdivided Lands) and the remaining \$1,000.00 to Account No. CH59050 30001 (Outside Recoveries). The deposit of \$1.00 is being held by the City Treasurer pending approval of this transaction.
 - (ii) The Offer to Purchase (Easement) is subject to the following:

The City reserves the right to grant further easements through Condition 14.

"It is understood and agreed that the Transferor shall reserve unto itself, its heirs, successors, and assigns the irrevocable right to grant such further and other easements as from time to time the Transferor sees fit."

12. That leave be granted to introduce the following Bills:

**Bill A-26 To Incorporate Parts 1 and 2, Plan 62R-11612
Into Sanatorium Road**

Bill A-27 To Amend By-law No. 89-72 to Regulate Traffic

Bill A-28 To Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

**ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

Tina Agnello, Secretary

March 18, 1991

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **SIXTH** Report for 1991 and respectfully recommends:

1. That pursuant to Parks By-law No. 77-221 that the Portuguese Association of St. Michael the Archangel be granted permission to sell food and alcoholic beverages on the occasions of the Annual Festival of the Holy Spirit, 1991 June 14, 15 and 16, in the Dundurn Park Pavilion, subject to the following terms and conditions:
 - i. Proof of \$2 million dollars Comprehensive General Liability Insurance for Property Damage and Bodily Injury, same to be submitted 30 days in advance, naming the City as co-insured.
 - ii. That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.)
 - iii. That alcoholic beverages may be served in the confined area of the Pavilion on 1991 June 14, 15 (12:00 noon to 12:00 midnight) and Sunday, 1991 June 16 (12:00 noon to 10:00 p.m.) upon receipt of approval of the Liquor Licence Board.
 - iv. That special duty officer as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.
 - v. That a financial statement relative to the sale of alcoholic beverages be submitted within 30 days of the celebrations.
2. That pursuant to Parks By-law 77-221 that permission be granted to the Ontario Cancer Treatment & Research Foundation to sell alcohol and beer during the occasion of their fundraising mixed softball tournament, scheduled at Globe Park, 1991 August 23-25, under the terms and conditions which includes the following:
 - i. The proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as additional insured, be provided.

- ii. That the applicant meet all requirements of the Liquor Licence Board of Ontario for issuance of a Special Occasion Permit.
 - iii. That the applicant assume responsibility for all labour related costs as a result of this event.
 - iv. That Special Duty Officers, as may be deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicants expense.
3. That pursuant to Parks By-law 77-221 that permission be granted to the Gourley Park Community Association to sell beer and food during the occasion of their three-pitch tournament, scheduled at James MacDonald School Park on 1991 July 13, under the terms and conditions which includes the following:
- i. The proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as additional insured, be provided.
 - ii. That the applicant meet all requirements of the Liquor Licence Board of Ontario for issuance of a Special Occasion Permit.
 - iii. That the applicant assume responsibility for all labour related costs as a result of this event.
 - iv. That Special Duty Officers, as may be deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicants expense.
4. (a) That pursuant to Fireworks By-law No. 90-198 that the application by the Feast Committee of the Church of St. Anthony of Padua, to host their annual feast celebration in Ivor Wynne Stadium on Sunday, 1991 June 16, between the hours of 11:00 a.m. to 11:00 p.m. be approved, subject to:
- i. The terms and conditions set down in accordance with Schedule B of the Operational Regulations for use of Ivor Wynne Stadium to include provision of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury naming the City as co-insured.
 - ii. The terms and conditions for Fireworks Display at the Ivor Wynne Stadium as approved by City Council, at its meeting held October of 1987.

- iii. The Licensed Operating providing adequate insurance for his own protection.
 - (b) That the Fireworks Display consist of a low level show.
5. That pursuant to Fireworks By-law No. 90-198 that approval be given of the action taken by the Director of Culture and Recreation in approving the request of the Greenhill Co-operative Corporation to hold a Fireworks Display on City property located at Quigley and Greenhill on Monday, 1991 May 20, rain date 1991 May 26, subject to the following terms and conditions:
- (a) That a Licensed Operating be responsible for carrying out the Fireworks Display.
 - (b) That Greenhill Co-operative Corporation has in place a \$2 million Insurance Policy for Public Liability for Property Damage and Bodily Injury, naming the City as co-insured.
6.
 - (a) That the Culture and Recreation Department work with the Fly the Flag for Canada Committee in co-ordinating the objectives of this Committee.
 - (b) That the Treasury Department be authorized to issue tax receipts for donations solicited by the Fly the Flag for Canada Committee and administer and monitor expenditures.
 - (c) That the Parks and Recreation Citizens' Advisory Sub-Committee act as facilitator and liaise with the Fly the Flag for Canada Committee.
7. That permission be granted to St. Jean de Brebeuf Highschool Fishing Club to utilize Inch Park Pool from 1991 May 5 to May 11, to provide the opportunity for a pool-fishing program under the condition which includes:
- i. The proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as additional insured, be provided.

8. (a) That Option to Purchase Agreements for properties located at 12 Douglas Street, 100 Burton Street and 102 Burton Street, executed by officials of 914844 Ontario Limited (Chris Bahl, President) and Joseph Olinski, In Trust, on 1991 February 21 and 1991 February 19 respectively, and scheduled for closing 1991 May 16, be approved and completed. The subject properties have frontages on their respective street of 5.7 metres (18.7 feet), 5.36 metres (17.58 feet), and 5.64 metres (18.5 feet) respectively, by depths of 16.76 metres (54.98 feet), 13.77 metres (45.17 feet) and 13.77 metres (45.17 feet), again, respectively.

 (b) That the purchase prices of \$60,000., \$60,000. and \$60,000. totalling \$180,000. be charged to Account No. CF 5590 628650010 (Land Acquisition - Keith Park). Consideration in the amount of \$2. has been paid to each of the owners and forms part of the purchase price.
9. That staff be authorized to proceed with the development of Pier-4 Park and the Public Boat Launch, according to the development concept endorsed by Council on 1991 January 29 and that any further refinements to the development concept be brought before the Committee for approval.
10. That for the year 1991 the individual festival proposals of It's Your Festival and Earthsong for 1991 June 29, 30 and July 01 the Canada Day weekend, be held simultaneously at Gage Park and Dundurn Park respectively.
11. That staff be authorized to contract out the services of a qualified historical archaeologist to act as project co-ordinator for an in-house archaeology programme to run in conjunction with the Dundurn Castle's capital re-restoration project.

12. That approval be given to staff of the Historic Sites to apply for the following grants:

<u>Purpose</u>	<u>Grant</u>	<u>Site</u>	<u>Amount</u>
For CAPITAL Building Projects	Cultural Facility Improvement Programme (C.F.I.P.) (Ministry of Culture & Communications - Provincial	Whitehern	Up to \$450,000
		Dundurn	Up to \$800,000
	Cultural Initiatives (Federal Government)	Dundurn	Up to \$85,000
	Access to Archaeology Programme-Federal Government	Dundurn	
To Upgrade Artifact Storage &/		Whitehern	Up to \$35,000
	The Hamilton Foundation	The Hamilton Military Museum	Up to \$3,000
Programming Area		Hamilton Museum of Steam & Technology	

13. (a) That when the turf at Ivor Wynne Stadium is replaced, that it be replaced with artificial turf; and
- (b) That the turf at Ivor Wynne Stadium be replaced in 1992 as per the Capital Budget.

RESPECTFULLY SUBMITTED,

C. J. Coutts,
Acting Secretary

**ALDERMAN T. MURRAY, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

1991 March 19

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **FIFTH** Report for 1991 and respectfully recommends:

1. That the Building Commissioner be authorized to issue a demolition permit for 1129 Cannon Street East.
2. That approval be given to Proposed Draft Plan of Condominium Application 25CDM-90010, Taba Developments Ltd., owner, to establish a draft plan of condominium located south of Stone Church Road East on the east side of Upper Ottawa Street, subject to the following conditions:
 - (a) That this approval apply to the plan prepared by Rady-Pentek & Edward Surveying Ltd., dated 1990 August 22, showing 12 industrial units.
 - (b) That the owner receives approval of an amendment to Site Plan Control Application DA-88-86 prior to Final Approval.
3. That Alderman Drury be authorized to meet with either the Provincial Minister of Municipal Affairs or his designated official to discuss the rationale behind the City's recently approved resolution regarding landlords' financial compensation to tenants who are forced to vacate illegal dwelling units.
4. That approval be given to Zoning Application 90-70, 740898 Ontario Inc. (Leroy McCarthy and Elaine McCarthy), owners, requesting a further modification to the "D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District regulations to permit the expansion of the existing Residential Care Facility from 16 to 22 residents, for property located at 41-45 Cathcart Street, as shown on the attached map marked as Appendix "A", on the following basis:
 - (a) That the "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, as amended by By-law No. 84-103, be further modified to include the following variances as special requirements:

- (i) That Section 1. (a) of By-law No. 84-103 be amended by changing the number "16" in the fourth line to "22", so that the revised clause (a) reads as follows:

" (a) Notwithstanding subsection 10(1) of By-law No. 6593, a residential care facility for the accommodation of not more than 22 residents shall be permitted in the existing building;"

- (ii) That Section 1. (b) of By-law No. 84-103 be amended by changing the number "205 m²" to "148 m²" so that the revised clause (b) reads as follows:

" (b) an outdoor amenity area not less than 148 m² shall be provided and maintained on the lot;"

- (iii) That Section 1. (d) of By-law 84-103 be deleted;

- (iv) That the following new clauses be added to Section 1 of By-law No. 84-103;

(d) Notwithstanding subsection 18A. (7) of By-law No. 6593 the 4 parking spaces situated in the required front yard shall have a minimum width of 2.6 m;

(e) Notwithstanding subsection 18A. (9) of By-law No. 6593 the required manoeuvring space for the 8 required parking spaces may be located off-site;

(f) That subsections 18A. (11) and (12) of By-law No. 6593 shall not apply;

(g) Notwithstanding subsection 18A. (14) of By-law No. 6593 4 of the required 8 parking spaces may be located within the required front yard.

- (v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-861a, and that the subject lands on Zoning District Map E-4 be notated S-861a;
 - (vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council;
 - (vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received site plan approval.

Note: The purpose of the By-law is to provide for a further modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations applicable to property located at 41 and 45 Cathcart Street.

The effect of the By-law is to permit an increase in the maximum capacity of the established residential care facility from 16 to 22 residents.

In addition, the By-law provides for the following variances as special requirements:

- (a) to permit an outdoor amenity area of 148 m² as opposed to 205 m²;
- (b) to permit 4 parking spaces located in the front yard to have a minimum width of 2.6 m, whereas 2.7 m is required;
- (c) to permit the manoeuvring space for the 8 required parking spaces to be provided off-site;
- (d) to permit 4 of the required 8 parking spaces to be located within the required front yard;
- (e) to exempt the development from the requirement of a 1.5 m setback for a parking or loading space which adjoins a residential district boundary; the minimum front yard setback for a parking area within 3.0 m of a residential district; and the requirement of a landscaped planting strip and a 1.2 m to 2.0 m high visual barrier between the parking area and the residential district.

5. (a) That approval be given to Subdivision Application 25T-90023, Primecan Holdings Inc., owner, to establish a draft plan of subdivision south of Limeridge Road and west of Upper Wellington Street, subject to the following conditions:
- (i) That the approval apply to the Plan prepared by A. J. Clarke and Associates Ltd., dated 1990 November 8, revised to show 14 lots for single-family dwellings; 1 block (Block "15") for row or townhouse development; 2 blocks (Block "16 and 30") for apartment development; 13 blocks (Blocks "17" to "29") for development with adjacent lands; 2 blocks (Blocks "31" and "32") as 0.3 metre reserves; and a road widening (Block "33").
 - (ii) That lots "1" to "14" and Blocks "15", "16" and "30" not be developed until lands directly to the east of Upper Wellington Street ("Rose Gardens", 25T-89032) has been registered.
 - (iii) That Blocks "17" to "29" (inclusive), be developed only in conjunction with adjacent lands to south and west.
 - (iv) That the owner provide 2.0m x 2.0m daylight triangles at the corners of Block "17" and Block "27" and a 12.0m x 12.0m daylight triangle at the corner of Block "30" at the intersection of Upper Wellington Street and Street "A".
 - (v) That road allowances, widenings and daylight triangles be dedicated as public roads on the final plan.
 - (vi) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (vii) That Street "A" align centreline to centreline with future Sirente Drive east of Upper Wellington Street in the "Rose Gardens" subdivision (25T-89032).
 - (viii) That the road allowance to the south and adjacent to Block "30" be established to its full width prior to registration of the Final plan of subdivision.
 - (ix) That the applicant provide a 15.0m wide easement, in favour of the Region, for a berm adjacent to the Freeway, extending along the rear portions of Lots "1" and "2" and Blocks "29", "15" and "16".
 - (x) That the final plan conform with the Zoning By-law approved under The Planning Act.
 - (xi) That the owner make a cash payment in lieu of the conveyance of land included in the final plan to the City of Hamilton for park purposes.

- (xii) That such easements as are required for utility and drainage purposes be granted to the appropriate authority.
- (xiii) That the owner provide the City of Hamilton with a certified list showing the neat area and width of each lot and block in the final plan.
- (xiv) That Blocks "31" and "32", the 0.3m reserves be conveyed to the City of Hamilton.
- (xv) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
- (xvi) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into the by Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-90023), Primecan Holdings Inc., owner, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

6. That approval be given to amended Zoning Application 90-46, Primecan Holdings Inc., owner, requesting a change in zoning from "AA" (Agricultural) District to "C"- "H" (Urban Protected Residential, etc. - Holding) District for Block "1", to "E-2" - "H" (Multiple Dwellings - Holding) District for Block "2", and to "RT-20" - "H" (Townhouse-Maisonette - Holding) District for Block "3", for property located on the west side of Upper Wellington Street in the area south of the Mountain Freeway, as shown on the attached map marked as Appendix "B", on the following basis:

- (a) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act, R.S.O., to the subject lands by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until municipal sewers are available.

Removal of the holding restriction shall be conditional upon the availability of all such municipal sewers serving the subject lands as the City deems necessary and passage of an amending By-law. City Council may remove the "H" symbol, and thereby give effect to the "C", "E-2", and "RT-20" District provisions as stipulated in this By-law by enactment of an amending By-law once municipal sewers are available.

- (b) That Block "1" be rezoned from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc. - Holding) District;
- (c) That Block "2" be rezoned from "AA" (Agricultural) District to "E-2" - "H" (Multiple Dwellings - Holding) District;
- (d) That Block "3" be rezoned from "AA" (Agricultural) District to "RT-20" - "H" (Townhouse-Maisonette - Holding) District;
- (e) That the "E-2" (Multiple Dwellings) District regulations, as contained in Section 11B of By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special provision:
 - (i) That no vehicular access to and egress from Block "2" shall be permitted from Upper Wellington Street;
- (f) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of By-law No. 6593, applicable to Block "3", be modified to include the following variance as a special provision:
 - (i) That notwithstanding Section 10E of By-law No. 6593, a planting strip of not less than 3.0 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire westerly lot line, except for that portion required as a berm easement;
- (g) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1221, and that the subject lands on Zoning District Map E-9B be notated S-1221;
- (h) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9B for presentation to City Council; and,
- (i) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- (j) That the application/owner be required to undertake a Noise Attenuation Study under Site Plan approval.

Note: The amending By-law establishes the holding provisions of Section 35(1) of the Planning Act, R.S.O., on the subject lands by introducing the holding symbol "H" as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until municipal sewers are available. Removal of the holding restriction shall be conditional upon the availability of all such municipal sewers as the City deems necessary and the passage of an amending By-law by City Council to remove the "H" symbol, and thereby give effect to the "C", "E-2", and "RT-20" District provisions as stipulated in the amending By-law outlined below.

The purpose of the By-law is to provide for the following changes in zoning for property located on the east side of Upper Wellington Street in the area south of the Mountain Freeway.

- (a) Block "1" - Change from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc. - Holding) District;
- (b) Block "2" - Change from "AA" (Agricultural) District to "E-2" - "H" (Multiple Dwellings - Holding) District; and,
- (c) Block "3" - Change from "AA" (Agricultural) District to "RT-20" - "H" (Townhouse-Maisonette - Holding) District.

The effect of the By-law is to permit future development of the subject land for:

- (a) Block "1" - Single-Family Detached Dwellings;
- (b) Block "2" - Multiple Dwellings (Apartments); and,
- (c) Block "3" - Townhouses or Maisonettes.

In addition, the By-law establishes the following variances as special provisions:

- (a) Block "2" - no vehicular access shall be permitted from Upper Wellington Street; and,
- (b) Block "3" - a planting strip of not less than 3.0 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire westerly lot line, except for the most northerly fifty feet of this Block, which is required as a berm easement.

7. That Zoning Application 90-41, John Morrison and Saulis Zemaitis, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to legalize the existing three-family dwelling, for property located at 172 Sanford Avenue South, as shown on the attached map marked as Appendix "C", not be approved for the following reasons:
- (a) It does not comply with the intent of the Official Plan in that it would be an undesirable intrusion of a three-family dwelling into an area that is predominantly occupied by one and two family dwellings;
 - (b) It is an overintensification of land use in that adequate off-street parking cannot be provided (only one legal parking space can be provided whereas four are required); and,
 - (c) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law and alter the character of the area.

Note: The above-noted resolution resulted in a tie-vote at the Planning and Development Committee, and in accordance with City policy is herewith presented to City Council.

8. That subject to a Public Meeting to be held on 1991 April 08, at 7:00 p.m. in City Hall, to receive citizens' input and, that no substantive changes are made to the Community Improvement Plan, that the following be approved:
- (a) That the Community Improvement Plan for the Central/Beasley Neighbourhood, attached hereto as Appendix "D", be approved in order to implement the Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.); and,
 - (b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law; and,
 - (c) That the Mayor and City Clerk be hereby authorized to sign, on behalf of the Corporation of the City of Hamilton, the Provincial/Municipal Agreement pursuant to which P.R.I.D.E. will be implemented in the Central/Beasley Neighbourhood.

9. (a) That the Community Renewal Section of the Public Works Department be authorized to advise the Ministry of Municipal Affairs of The City of Hamilton's intention to utilize the Anti-Recession P.R.I.D.E. allocation of \$400,000.00 to be matched by a Municipal contribution of \$400,000.00; and,

Note: This allocation is being offered by the Ministry of Municipal Affairs over and above any other applications the City may have made for funding.

- (b) That the City's portion of the Programme be financed through existing budgets such that no additional financing be required; and,
- (c) That the Anti-Recession P.R.I.D.E. funds be allocated for use within existing Community Improvement Project Areas and Redevelopment Areas previously designated under the Planning Act; and,
- (d) That the Mayor and City Clerk be authorized to sign the necessary Provincial/Municipal Agreement required to implement the Programme.
- 10.(a) That the following prizes be awarded to Mohawk College broadcasting students for their submissions in the Phase IV Downtown Action Plan, Public Service Announcement (P.S.A.) Competition:
- (i) First prize - Ms. Vera Mitropoulos, production of "Community" - \$700.00.
- (ii) Second prize - Ms. Barb Forsyth, production of "Litter" - for technical merit - \$500.00; and,
- (b) That a \$700.00 donation be given to the Television Broadcasting Programme of Mohawk College of Applied Arts and Technology for the use of equipment and materials during the preparation of submissions for the Public Service Announcement Competition; and,
- (c) That the prizes referred in (a) above be presented to the winners at City Council on 1991 March 26 by Mayor R. Morrow and Alderman B. Hinkley, Chairman of the Keep Hamilton Clean Committee.

Note: Since the winning P.S.A. is scheduled to be released to coincide with Pitch-In Week 1991 May 06-12, it is critical that the awards be distributed at the 1991 March 26 City Council.

- 11.(a) That the City of Hamilton initiate an amendment to By-law No. 90-248, to prohibit Day Nurseries in the Red Hill Valley between the T.H. & B. Railway tracks to the north and Greenhill Avenue to the South, as shown on the attached map marked as Appendix "E"; and,
 - (b) That the City Clerk notify the Niagara Escarpment Commission of City Council's decision.
 - (c) That the City Solicitor be directed to prepare the appropriate By-law.
- 12.(a) That the organizational structure for the Administrative function of the Building Department as shown on Schedule A, attached herewith as Appendix "F", be approved.
 - (b) That the newly established positions of Director of Technical Services and Deputy Building Commissioner, Manager of Field Services, Manager of Customer Services, Building Applications Analyst, Budget Co-Ordinator, Secretary-Treasurer of Committee of Adjustment, be referred to the Commissioner of Human Resources for classification. Also, the Stenographic and Administrative Assistant positions are to be reviewed for determination of proper classifications.
 - (c) That the organizational structure for the Plan Examination Division of the Building Department as shown on Table B, attached herewith as Appendix "G", be approved.
 - (d) That the newly established positions of Supervisor of Customer Services, Plan Examiner/Customer Service Representatives, Receptionist, and Telephone Receptionist be referred to the Commissioner of Human Resources for classification. Also, the Stenographic positions are to be reviewed for determination of proper classification.
 - (e) That the organizational structure for the Inspection Division of the Building Department as shown on Table C, attached herewith as Appendix "H", be approved.

Note: The existing staff complement will be reduced permanently by three (3) persons. One additional full time position will also not be filled for 1991 or 1992. This position will remain vacant until such time as work levels justify budgeting. Savings for 1991 will be \$57,000.00 and for 1992 will be \$77,000.00. It is anticipated that funds will be required from the capital budget to make the physical changes to the office environment to accommodate the new work process.

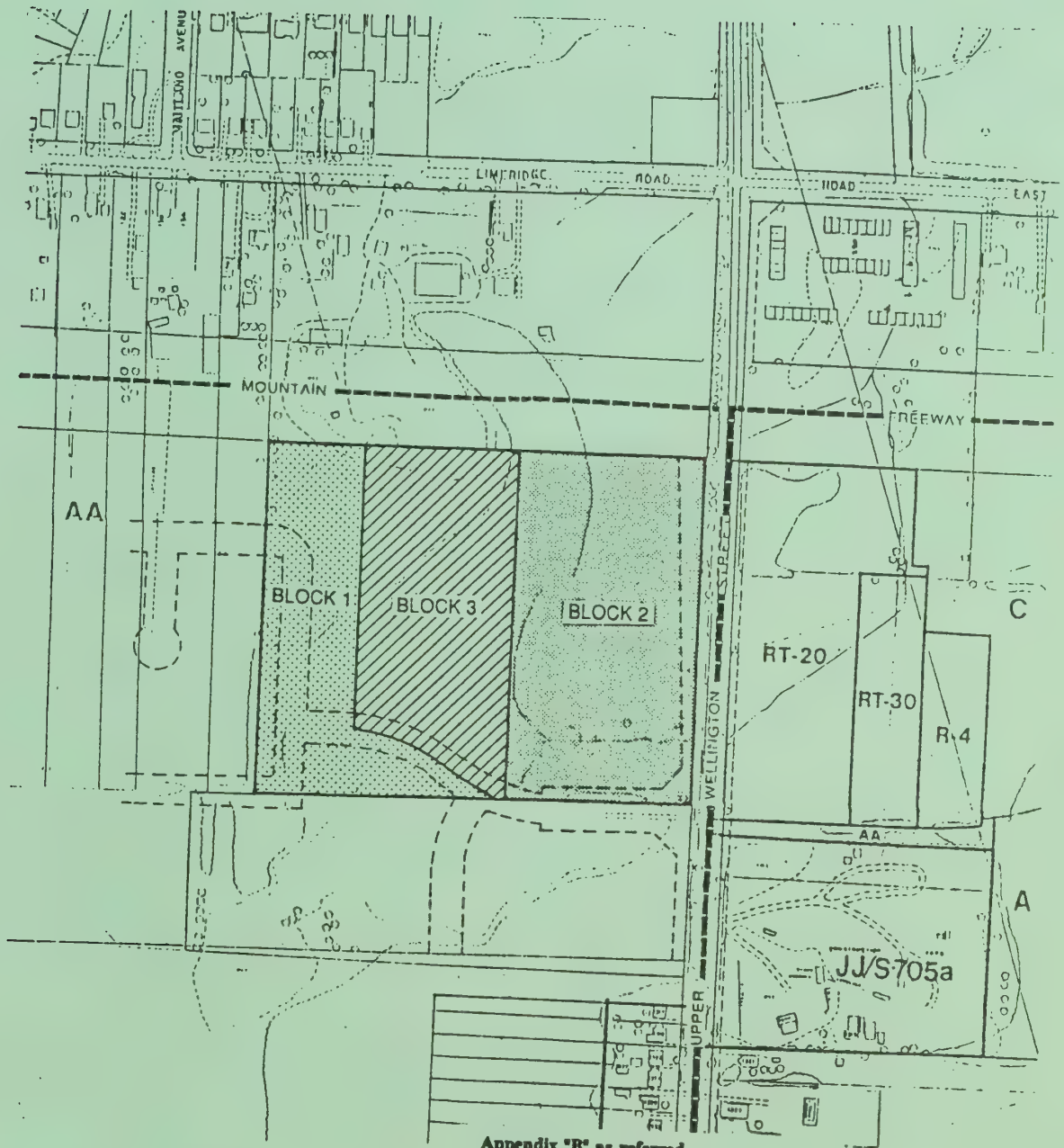
13. That leave be granted to introduce the following Bills:

- Bill No. C-19 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 179 Stone Church Road West.
- Bill No. C-20 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 1258 Upper Wentworth Street.
- Bill No. C-21 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 18 West Avenue South.
- Bill No. C-22 A By-law to repeal By-law No. 83-242 respecting Designation of the Downtown Core Area of the City of Hamilton as a Redevelopment Area.

Respectfully submitted,


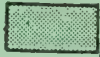

ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1991 March 20

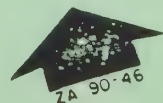


Legend

Proposed changes in zoning from :

- BLOCK 1  "AA" (Agricultural) District to "C"- "H" (Urban Protected Residential, etc.-Holding) District.
- BLOCK 2  "AA" (Agricultural) District to "E-2"- "H" (Multiple Dwellings-Holding) District.
- BLOCK 3  "AA" (Agricultural) District to "RT-20"- "H" (Townhouse-Maisonette-Holding) District.

Appendix "B" as referred
to in Section 6 of the
FIFTH Report for 1991 of
the Planning and
Development Committee





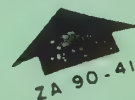
LEGEND



SITE OF THE APPLICATION

C 14

Appendix "C" as referred to in Section 7 of the FIFTH Report for 1991 of the Planning and Development Committee



CENTRAL BEASLEY

COMMUNITY IMPROVEMENT PLAN

DEPARTMENT OF PUBLIC WORKS/PARKS DIVISION

1990 DECEMBER

Appendix "D" as referred
to in Section 8 of the
FIFTH Report for 1991 of
the Planning and
Development Committee.

TABLE OF CONTENTS

	<u>PAGE NO.</u>
A) Introduction to the Community Improvement Plan	1
B) Neighbourhood Profile	1
C) Community Improvement Plan	3
D) Implementation Process/Schedule	5
E) Conclusion	6

SCHEDULES

- "A" Central/Beasley P.R.I.D.E. Community Improvement Project Area Map
- "B" Neighbourhood(s) Zoning Map
- "C" Neighbourhood(s) Land Use Map

CENTRAL/BEASLEY COMMUNITY IMPROVEMENT PLAN

Introduction to the Community Improvement Plan

On 1989 December 01, at the request of Hamilton City Council, the Department of Community Development applied for Provincial funding for the Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) for the Central/Beasley Neighbourhood. Subsequently, a letter dated 1990 July 04, from the Honourable John Sweeney, Minister of Municipal Affairs, approved a Provincial contribution of three hundred and thirteen thousand, five hundred dollars (\$313,500.). This will be matched by a contribution of three hundred and thirteen thousand, five hundred dollars (\$313,500.) from the City of Hamilton, for a total of six hundred and twenty-seven thousand dollars (\$627,000.) to address residential concerns.

In 1990 December, a Neighbourhood Advisory Committee was established by both election and appointment at a public meeting, for the purpose of obtaining public input in order to draft this Community Improvement Plan. As well, a survey of the neighbourhood residents was administered and staff input given during the plan formulation.

The provision of neighbourhood services is essential to the well-being of residents, business and industry in the area and surrounding communities. These services include parks, recreational and social programmes, schools, hard services (such as roads, lighting improvements, streetscaping) and buffering.

Parkland provides opportunity for both spontaneous and programmed forms of recreation for all age groups. It is desirable to provide parkland within walking distance of all residents.

Also, institutional uses such as schools and meeting halls serve as focal points for community participation in the neighbourhood.

This Community Improvement Plan conforms with the City of Hamilton's Official Plan (Sub-Section D.10 - Community Improvement, attached as Schedule 'F'), the Property Standards By-law No. 74-74, the Central and Beasley Neighbourhood Plans.

Neighbourhood Profile

The Central and Beasley Neighbourhoods comprise approximately 223 hectares in Hamilton's Central Business District with a total population of approximately 9000 persons (1988 Population Statistics). These adjacent neighbourhoods are bounded by the Canadian National Railway to the north, Main Street to the south, Wellington Street in the east and Queen Street in the west.

Central and Beasley Neighbourhoods contain a wide variety of land uses (1987 Land Use Characteristics) including residential (40%), commercial (23%), industrial (12%), open space (4%), institutional (8%), and other, such as transportation, communication, utilities and parking (13%).

.....2

The Community Improvement Project Area for Central/Beasley (hereafter referred to as the Central/Beasley Neighbourhood for purposes of this plan) is made up of only part of these two neighbourhoods. Approximately 75% of Beasley and 30% of Central are included (see location map). Portions have been excluded due to involvement in other Improvement Plans such as the Downtown Action Plan.

Housing in Central/Beasley is mixed with single family homes, multi-unit homes, row housing, low rise and high rise apartments, and some newer townhouses. Being in the downtown core, the housing in Central/Beasley can be characterized as being some of the oldest in the City. Approximately 65% of the residential units were constructed prior to 1900, 32% between 1901 and 1940, and only 3% between 1940 and the present.

Commercial uses are concentrated mainly on the major arterial roads such as Wilson, Cannon, Barton, Wellington, York Boulevard, and Bay Streets. Again, being in the Central Area, mixed commercial/residential uses are abundant, even on the non-arterial streets.

Industrial uses are limited mainly to the northerly area of the Central/Beasley Neighbourhood. This can be attributed to the Canadian National Railway which is the northerly boundary of both Central and Beasley Neighbourhoods.

There are two schools in the Community Improvement Project area. St. Mary's Elementary School is under the jurisdiction of the Hamilton-Wentworth Roman Catholic School Board Separate School System. The Dr. J. Edgar Public School is the responsibility of the Hamilton Board of Education Public School System. The latter provides the potential for development in conjunction with the adjacent Beasley Neighbourhood Priority One Park.

Land use in Central/Beasley is regulated by zoning by-laws which are controlled by the City of Hamilton Official Plan, Central and Beasley approved Neighbourhood Plans and related policies. Both the Central and Beasley Neighbourhood Plans were adopted by City Council in 1973. They identify which land uses are considered appropriate for future development in different areas throughout the neighbourhoods in conformance with the City of Hamilton's Official Plan. The Beasley Priority One Park, adjacent to the Dr. J. Edgar Davey Public School, is identified in the Beasley Neighbourhood Plan.

As well, the Central/Beasley Neighbourhood falls within the boundaries of the Central Area Plan, which is a document adopted by City Council in 1988 providing policy directions for the Central Area. It encourages balanced growth through guidelines for residential, commercial, institutional, industrial, recreation and cultural land use.

Very little parkland is available in Central/Beasley for use by its residents and workers. Areas for both active and passive recreation such as baseball, football, tennis, and skating, or picnicking, relaxing, and sunbathing would greatly improve the quality of life in the Neighbourhood.

The Central/Beasley Neighbourhood is an older mixed use area in need of upgrading to enhance its social, recreational, commercial, and industrial facilities.

...../3

COMMUNITY IMPROVEMENT PLAN

The Community Improvement Plan will be presented in the following format:

Goals - what the neighbourhood would like to ultimately obtain

Objectives - the steps the neighbourhood will take to achieve the goals

Actions - what the neighbourhood will implement in order to achieve the objectives

GOAL ONE

Develop Public Awareness as to Neighbourhood Needs

Objective 1.1 Create an effective Neighbourhood Association to identify problems and address same.

Action 1.1.1 For the Central/Beasley P.R.I.D.E. Citizens Advisory Committee to carry on and follow through on Objective 1.1, once the P.R.I.D.E. process has been completed.

Action 1.1.2 For the Neighbourhood Association to elect a President.

Objective 1.2 Create an understanding of local government procedure.

Action 1.2.1 The Citizens Advisory Committee actively take a role in reviewing neighbourhood concerns that cannot be addressed by the P.R.I.D.E. process.

GOAL TWO

Develop High Quality Recreation Services

Objective 2.1 Improvements to existing parks and facilities.

Action 2.1.1 Rehabilitate Beasley Park.

Action 2.1.2 Neighbourhood Association submit request to Parks Maintenance to review maintenance programs (for entire area as well).

Objective 2.2 Create new recreational facilities.

Action 2.2.1 Expand Beasley Park to the northeast.

Action 2.2.2 Neighbourhood Association request feasibility study for building Community Recreation Centre onto Davey School.

Action 2.2.3 Build passive park behind 195 Elgin (Cancord Inc.)

Objective 2.3 Improve accessibility to existing recreational facilities.

Action 2.3.1 Crosswalk across John Street between Robert and Cannon to access McClaren Park.

GOAL THREE

Increase Public Safety

Objective 3.1 Reduce crime in the neighbourhood.

Action 3.1.1 Neighbourhood Association works with local authorities in identifying concerns.

Action 3.1.2 Police be invited to make presentation to the Neighbourhood Association about various programs (i.e. Crime Stoppers, Business Watch, etc.).

Objective 3.2 Improve the walking conditions in the neighbourhood.

Action 3.2.1 St. Mary's pathway improvements (i.e. lights, aesthetics).

Action 3.2.2 Neighbourhood Association identify sidewalk improvement areas and review same with Regional Engineering.

Action 3.2.3 Neighbourhood Association identify areas in need of improved lighting (sidewalks, alleyways, parking lots) and review same with Hamilton Hydro Electric Systems.

Objective 3.3 Improve on-street parking.

Action 3.3.1 Neighbourhood Association identify problem areas and review same with the Traffic Department and the Parking Authority.

...../5

GOAL FOUR

Better Overall Health of the Community

Objective 4.1 Improve accessibility to existing social service agencies in the area.

Action 4.1.1 Streetscaping improvements to social service agencies.

Action 4.1.2 Provide housing loans information to social service agencies for the encouragement to rehabilitate their facilities and provide better services.

Action 4.1.3 Encourage social service agencies to work with newly developed community services.

Objective 4.2 Improve the environmental quality of the neighbourhood.

Action 4.2.1 Neighbourhood Association request Ministry of the Environment most recent report with respect to air quality.

Action 4.2.2 Neighbourhood Association identify litter problem areas and review same with the Department of Public Works.

Action 4.2.3 Neighbourhood Association contact Keep Hamilton Clean Committee for input.

Objective 4.3 Improve general information and referral services in the area.

Action 4.3.1 Neighbourhood Association request that local agencies make presentation of services provided.

Action 4.3.2 Neighbourhood Association distribute 4.3.1 information to the community (i.e. newsletter).

D) IMPLEMENTATION PROCESS/SCHEDULE

Implementation of the Central/Beasley P.R.I.D.E. Programme will occur from 1991-1993. The total cost of this project will be six hundred and twenty-seven thousand dollars (\$627,000.) where the contributions are 50% Municipal and 50% Provincial.

Improvements will include park development and rehabilitation, social services accessibility, parking lot buffering and lighting improvements.

Design Consultant site plans will be presented to the Public in the Spring of 1991 after review with staff and the Citizens Advisory Committee and construction will proceed in the Fall of 1991.

...../6

Non-P.R.I.D.E. Identified concerns will be addressed by the Citizens Advisory Committee/Neighbourhood Association, with the support of Municipal staff.

E) CONCLUSION

The City of Hamilton has grown and developed rapidly over the past few years. With this change arises the need for community improvement, specifically within the Central/Beasley P.R.I.D.E. area. Both Hamilton City Council and the public acknowledge the significance of redevelopment and rebuilding which will enable this neighbourhood to maintain and grow in it's future viability.

With tempered accomplishments through the Central/Beasley P.R.I.D.E. we hope to augment the excellence of life, improve recreation, health and safety amenities to this, the oldest neighbourhood within the City.

Finally, It is hoped that this P.R.I.D.E. process will help to develop a neighbourhood strength and pride to continue on with the betterment of all who live in this neighbourhood.



NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Woodworth.

- * PROPOSED SPECIAL POLICIES FOR DEVELOPMENT ON NORTH AND WEST PERIMETER OF THE BLOCK
- ORIENTATION OF UNITS TOWARDS THE INSIDE OF THE SITE
 - ROW FORM OF HOUSING
 - SUBJECT TO HOME STUDY AND DECOMMISSIONING PLAN
 - AIR CONDITIONING

All Lands Within This Neighborhood Is Subject To Site Plan Control By Law No. 80-285.

EXISTING POPULATION (1985) 3647

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

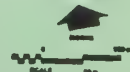
- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- COMMERCIAL & INDUSTRIAL

- Neighborhood Boundary
- zoning Boundary

Approved
Planning Committee and Local Council and Staff
Local Revision Date: NOV. 13, 1990

CITY OF HAMILTON
PLANNING DEPARTMENT

CENTRAL
APPROVED PLAN



21

Schedule C



NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

★ Temporary Parking
(See Zoning Application 83-73)

* Future Uses On The Site May Be
Industrial, Commercial Or Residential In
Accordance With The Central Area Plan
Performance Standards.

All Lands Within This Neighborhood Is Subject
To Site Plan Control By-Law No. 80-286.

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTL (1111111111)

Neighborhood Boundary
Existing Boundary

Approved
Planning Committee June 19, 1973 Council Dec. 12, 1973
Local Revision Date JAN 1980

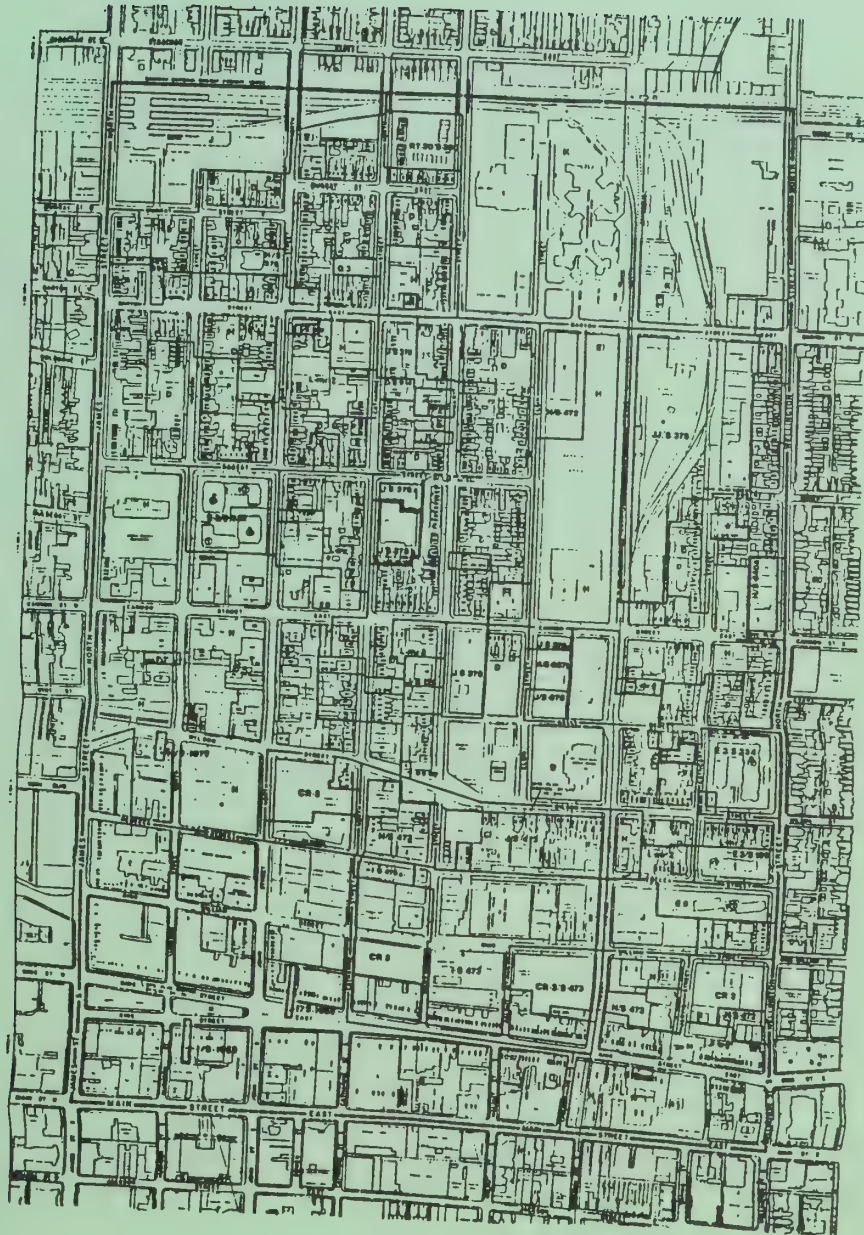
CITY OF HAMILTON
PLANNING DEPARTMENT

BEASLEY

APPROVED PLAN



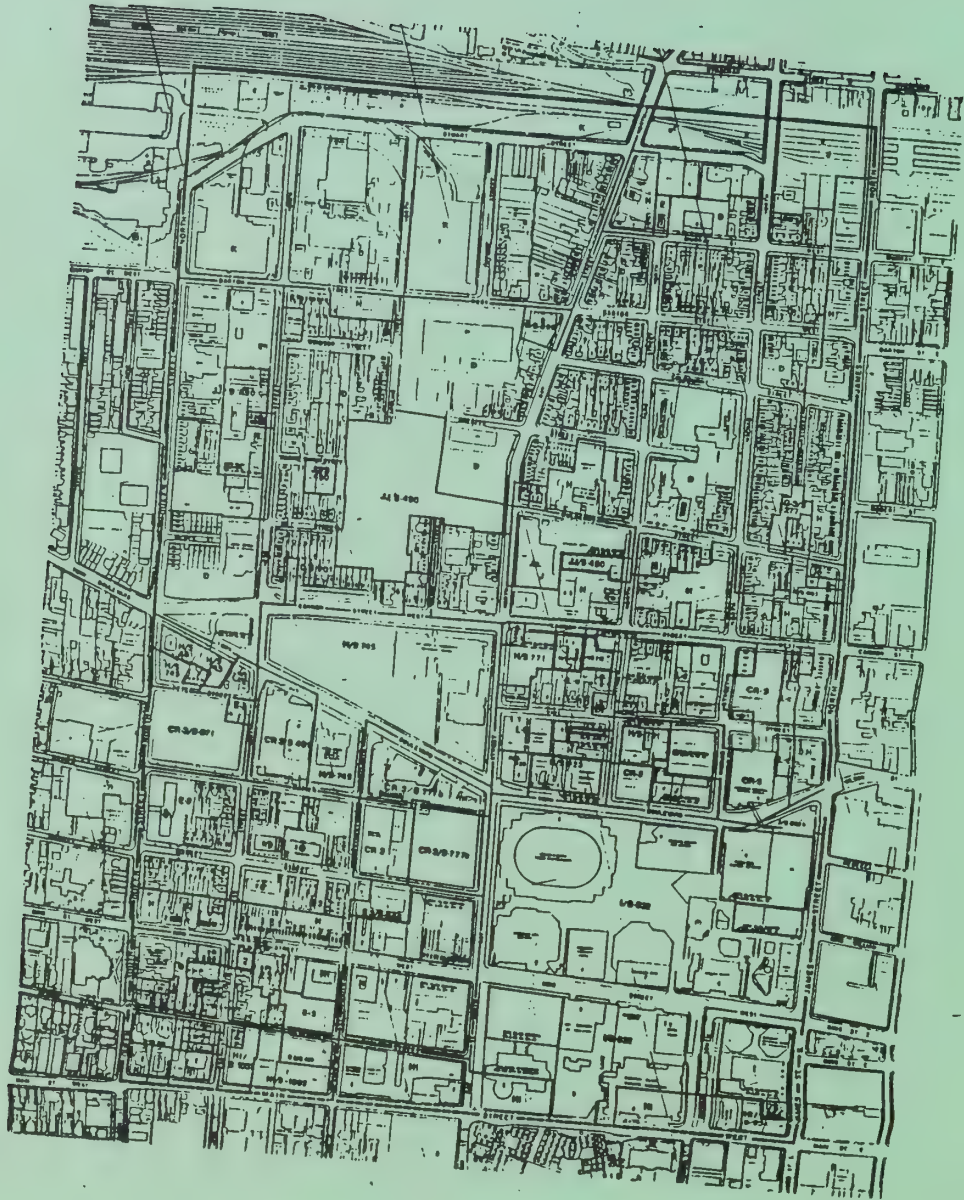
Scale 1" = 100'



All Lands Within This Neighbourhood Is Subject
To Site Plan Control By-law No. 90-291.

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107	108	00								
21	10	00								
01	01	00								
<p>Neighbourhood Boundary</p> <p>Zoning Boundary</p> <p>Prepared for the City of Hamilton</p>	<p>Scale</p> <p>0 100 200</p> <p>1:10,000</p>									

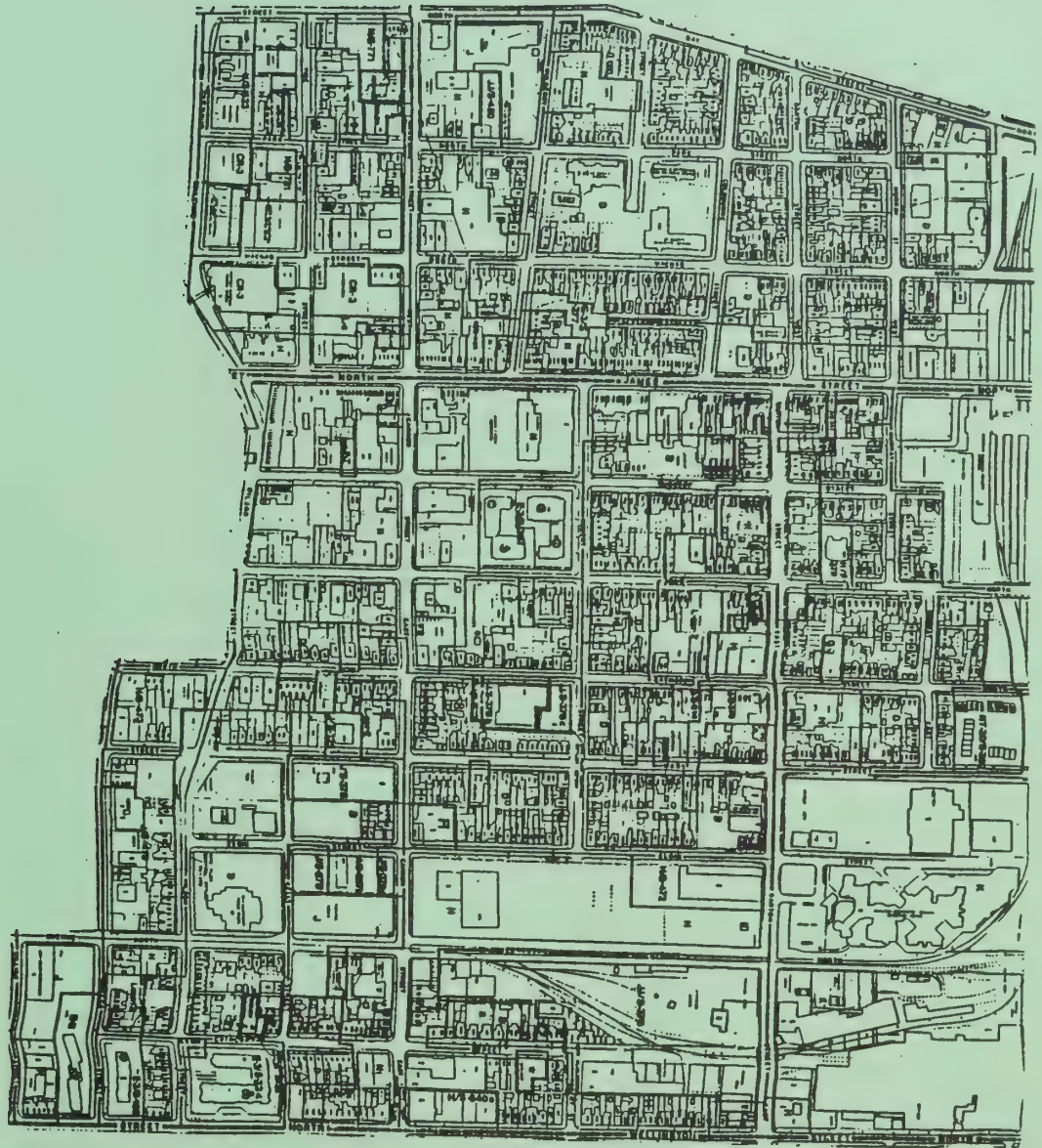
Schedule 'B'



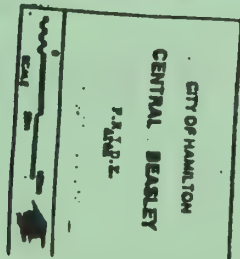
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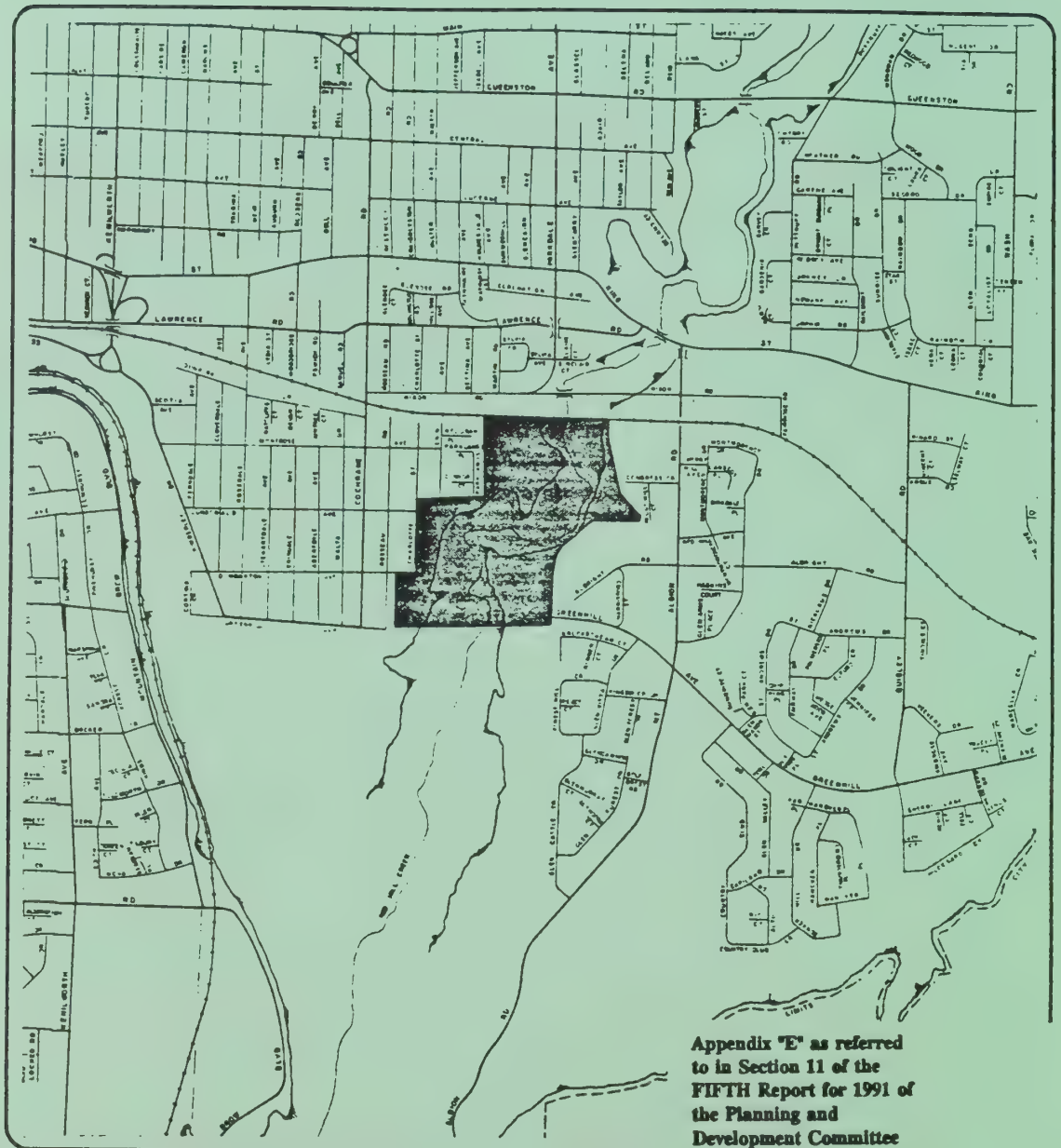
All Lands Within This Neighbourhood Is Subject
To Site Plan Control By-law No. 90-285.

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48	197	988								
127	21	98								
98	41	91								
<p>This is not a Legal Document For Zoning Purposes Please Consult City Building Department.</p>	<p>Neighbourhood Boundary</p> <p>Block Boundary</p>									
<p>Prepared for The City of Hamilton By the Planning and Research Dept. or its designated authority of staff members.</p>	<p>Scale</p> <p>8704 JANUARY 1990 21</p>									



Scale 1/2"





Appendix "E" as referred
to in Section 11 of the
FIFTH Report for 1991 of
the Planning and
Development Committee

City of Hamilton

DAY NURSERIES BY-LAW

APPENDIX "A"

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Area to be deleted from By-law 90-248

North



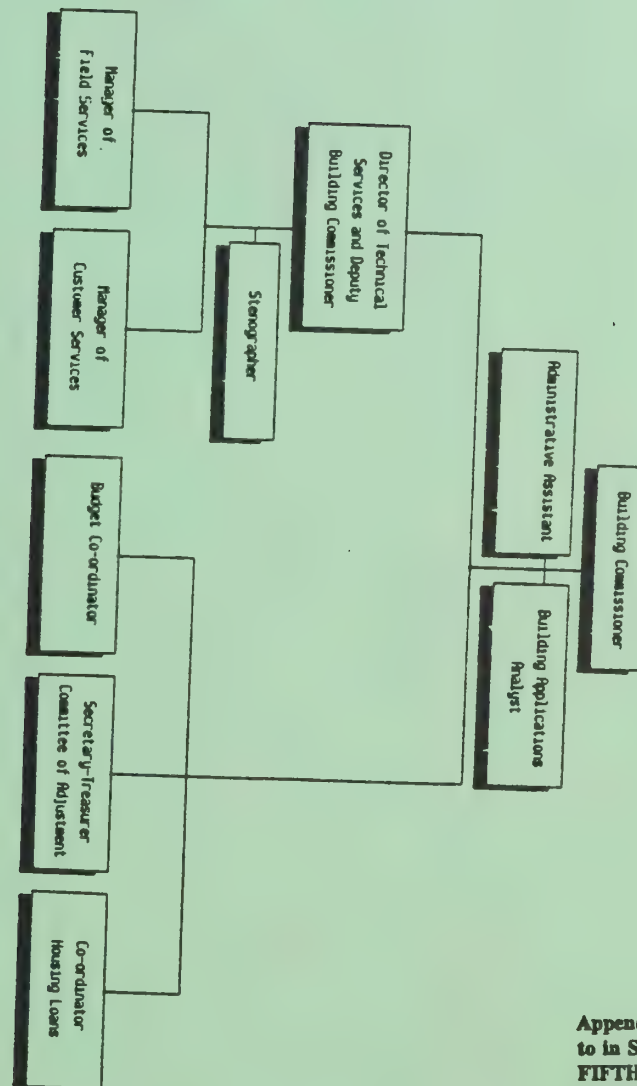
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Date
MARCH, 1991

Reference File No.
CI 88-K

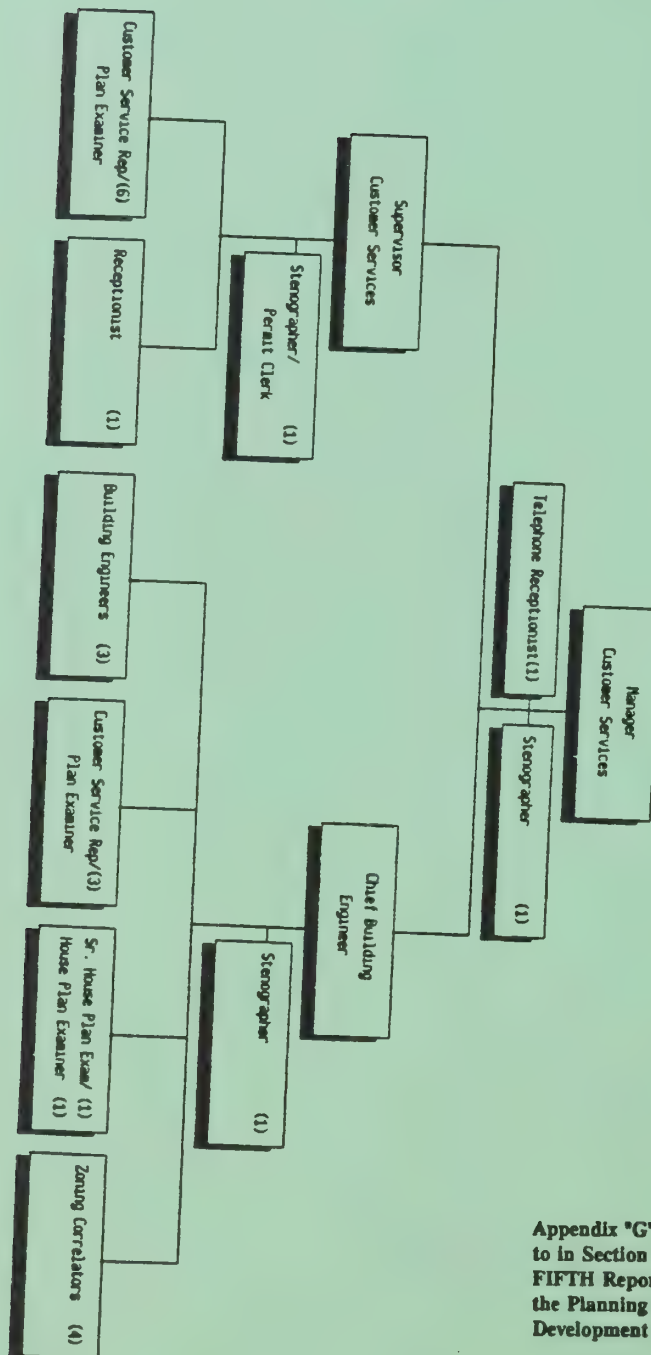
Drawn By
L.B.

BUILDING DEPARTMENT
Administration Section
Table A



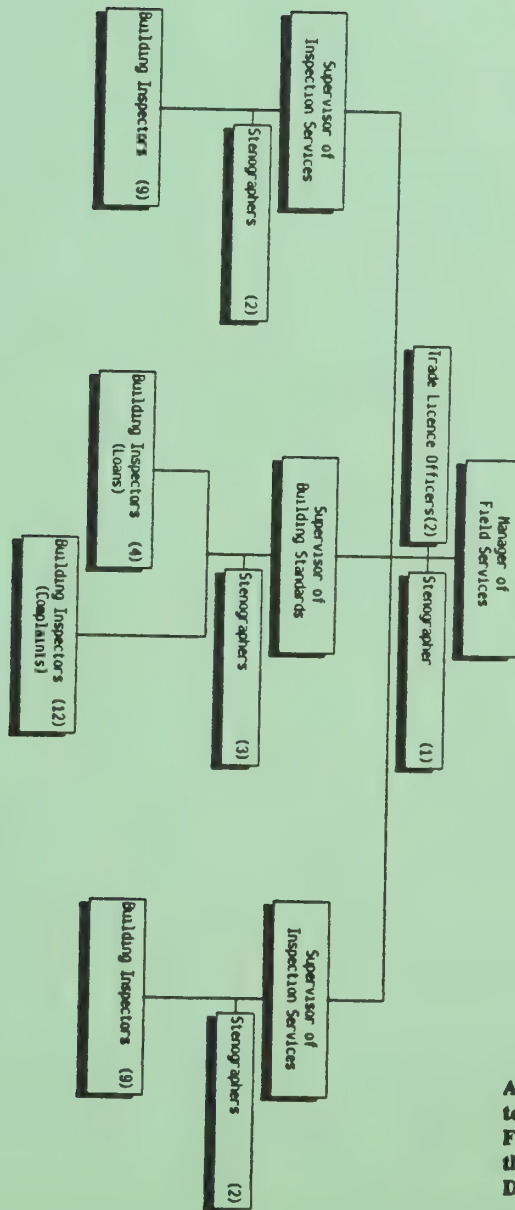
Appendix "F" as referred to in Section 12(a) of the FIFTH Report for 1991 of the Planning and Development Committee

BUILDING DEPARTMENT
Plan Examination
Table 8



Appendix "G" as referred to in Section 12(c) of the FIFTH Report for 1991 of the Planning and Development Committee.

BUILDING DEPARTMENT
 Inspection Division
 Table C



Appendix "H" as referred
 to in Section 12(e) of the
 FIFTH Report for 1991 of
 the Planning and
 Development Committee

REPORT OF THE CITY OF HAMILTON LICENSING COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The City of Hamilton Licensing Committee presents its **FIRST** Report for 1991 and respectfully recommends:

1. That the application by Mr. Harry Steinberg, 120 Barclay Street, Hamilton, Ontario, L8S 1P5 for re-entry on the Taxi Cab Priority List be denied.

Note: For the information of members of City Council, the City of Hamilton Licensing Committee at its meeting of 1991 March 13 recommended that the foregoing application be denied on the grounds that the applicant failed to renew his name on the Taxi Cab Priority List by the October 1, 1990 deadline as required by By-law 89-249, and, at his hearing before the Licensing Committee failed to provide adequate reason for not doing so.

2. (a) That the Class "B" Livery Vehicle Licence application of Transportation Unlimited Inc. (Albert DiCasa), 430 Cannon Street East, Hamilton, Ontario, L8L 2C8 be denied.
- (b) That the Finance and Administration Committee be requested to review Section 5 of Schedule 4a to By-law 89-249 which requires Class "B" Livery Vehicle Licence applicants to hold a written contract with the Disabled and Aged Regional Transit System.

Note: For the information of members of City Council, the City of Hamilton Licensing Committee at its meeting of 1991 March 13 recommended that the foregoing application be denied on the grounds that the applicant did not comply with the section of By-law 89-249 which requires that the applicant hold a written contract with DARTS. The Committee further recommended that the policy matter of whether this clause should remain in the By-law be referred to the Finance and Administration Committee with the request that they review this section of the By-law.

3. That the Cab Driver Licence application of Mr. Philip Dales, #143-195 Wellington Street South, Hamilton, Ontario, L8N 2P7 be denied.

Note: For the information of members of City Council, the City of Hamilton Licensing Committee at its meeting of 1991 March 13 recommended that the foregoing licence application be denied on the grounds of the applicant's extensive driving record.

(Further information can be obtained from the Secretary).

4. That the name of Cameron Warner, 93 Sussex Street, Hamilton, Ontario, L8S 2E2, be removed from the Taxi Cab Priority List.

Note: For the information of members of City Council the City of Hamilton Licensing Committee at its meeting of 1991 March 13 recommended that the name of Cameron Warner be removed from the Taxi Cab Priority List on the grounds that Mr. Warner failed to pay the \$50.00 renewal fee to maintain his name on the Taxi Cab Priority List and advised the Licence Manager of his wish to have nothing more to do with the List. Formal notice was delivered to Mr. Cameron on January 18, 1991 advising that the Licensing Committee would be dealing with a recommendation to remove his name from the List to which Mr. Warner failed to respond.

The Licensing Committee subsequently recommended removal of Mr. Warner's name from the Taxi Cab Priority List.

RESPECTFULLY SUBMITTED

ALDERMAN T. COOKE
CHAIRMAN
CITY OF HAMILTON LICENSING
COMMITTEE

Stella Glover
Secretary

1991 March 13

REPORT OF HIS WORSHIP MAYOR ROBERT M. MORROW

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Mayor presents his **FIRST** Report for 1991 and respectfully recommends:

1. That City Council endorse the attached proposed Membership Policy Guidelines and Associated Procedures for the Mayor's Race Relations Committee.
2. That the proposed Membership Policy Guidelines and Associated Procedures for the Mayor's Race Relations Committee become effective at the commencement of the next Term of Council (December 01, 1991).

RESPECTFULLY SUBMITTED

Mayor Robert M. Morrow
Co-Chairman
Mayor's Race Relations Committee

Mrs. S. Glover
Secretary
Mayor's Race Relations Committee

1991 March 08

PROPOSED MEMBERSHIP POLICY GUIDELINES AND ASSOCIATED PROCEDURES FOR THE CITY OF HAMILTON RACE RELATIONS COMMITTEE

This Proposal envisages the formation of a Race Relations Committee and an Advisory Council.

RACE RELATIONS COMMITTEE:

A Committee of City Council Will Deal With Race Relations

1. The Race Relations Committee will be called "The Mayor's Race Relations Committee" and hereafter "The Committee".
2. The Committee will consist of the Mayor, two Aldermen, nine citizen members and Chairperson of the Advisory Council.
3. At least two-thirds of the nine citizen members of The Committee will be from the Advisory Council. The remaining members, if any, may be from the community at large.
4. The Mayor will be the Chairperson of The Committee and The Committee members will elect the Co-Chairperson from members. The Co-Chairperson will preside over all meetings and activities of The Committee in the absence of the Mayor.
5. The standing Sub-Committees of The Committee are:
 - (a) Committees and Commissions - look into the composition of Committees and Commissions and encourage the members of visible and ethnic minorities to apply to various Committees and Commissions.
 - (b) Finance - prepare and manage budget, look into funding sources.
 - (c) Media - monitor all print and electronic media.
 - (d) Mediation - deal with complaints relating to racial discrimination and incidents.
 - (e) Membership - recommend people to fill vacancies when they occur during the term of the Advisory Council; recommend seminars/programmes for the development of members; recommend changes to the composition of The Committee if required; record and report on the status

(attendance) of members of the Advisory Council and
The Committee.

- (f) Public Awareness - education through conferences, seminars, workshops and publications.
6. The Committee may strike any Ad Hoc Committee for a special project or an event as/if the need arises. The Chairperson of the Ad Hoc Committee may be chosen from the Advisory Council.
7. Each Sub-Committee will be Chaired by a member of The Committee. The Sub-Committee members will be chosen from the Advisory Council.

TERMS OF REFERENCE

It shall be the duty of the Mayor's Race Relations Committee to:

- (a) advise and consult the Mayor and report to City Council on matters involving racial, religious, or ethnic discrimination and equal employment opportunity;
- (b) formulate and recommend to Council appropriate policies and strategies, which will reduce tensions and enhance the community, race, and ethnic relations climate in the City;
- (c) work actively with the Hamilton-Wentworth Regional Police Department, the Hamilton and Area Boards of Education, and other relevant organizations and institutions to foster a spirit of mutuality, trust and respect amongst the City's visible minorities and other community groups;
- (d) encourage minority and other local groups, both public and private, to engage in programmes for the improvement of community relations and the fulfilment of human rights;
- (e) initiate and co-ordinate discussions between individuals or groups to lessen tensions and promote understanding in the community;
- (f) receive, review, facilitate and offer assistance to complainants as required on matters of tension, prejudice, racism and practices of discrimination;

- (g) recommend to the Municipality, programmes to provide equal treatment and employment opportunity, including recruitment, hiring, training and promotion for visible and other minorities;
- (h) recommend that other government, educational, and social agencies research the status and treatment of minority and other community groups in Hamilton and area; and,
- (i) to learn, understand, respect and convey the special status and issues of Native People(s) (aboriginals of this country) as well as their rights, whether it be aboriginal/treaty.

ADVISORY COUNCIL:

1. The strength of the Advisory Council will be 35 community members plus the Resource Persons.
2. The following possible non-voting Resource Persons for the Advisory Council are proposed:
 - The Corporation of the City of Hamilton - Human Resources Department
 - The Corporation of the City of Hamilton - Union Representative
 - The Regional Municipality of Hamilton-Wentworth - Human Resources Department
 - Hamilton-Wentworth Regional Police
 - Hamilton Board of Education
 - Hamilton-Wentworth Roman Catholic Separate School Board
 - Hamilton & District Labour Council
 - Council of Churches
 - Human Rights Commission
 - R.C.M.P.
 - O.P.P.

The Advisory Council will have a Chairperson and Vice-Chairperson selected by members to organize the affairs of the Council.

The Resource persons will be available to the Race Relations Committee on request.

FUNCTIONS OF ADVISORY COUNCIL:

1. To provide and facilitate the interaction between the visible minority and ethnic community and the Race Relations Committee.
2. To learn, understand, respect and convey the special status and issues of Native people(s) (aboriginals of this country), as well as their rights, whether it be aboriginal/treaty.
3. To advise the Race Relations Committee about relevant issues in the community of Hamilton and area.
4. To serve as Resource for the Sub-Committees required in the execution of plans by the Race Relations Committee.
5. To network different communities in the planning of programmes for the promotion of harmonious race relations within the community.
6. To recommend Race Relations Educational Programmes to the Race Relations Committee.
7. To work together with Resource persons representing various institutions in an effort to promote harmonious race relations.

SELECTION OF MEMBERS to Advisory Council and The Committee

1. Application for membership to the Advisory Council and/or The Committee will be invited by advertisement in the local media,

and, a letter to visible minority and ethnic Associations in the Hamilton area requesting their interested members to apply for membership on the Council and/or The Committee.

2. The Selection Committee will consist of the Mayor, two Aldermen, Immediate Past Chairperson of the Advisory Council and Immediate Past Chairperson of The Committee.
3. Criteria for selection of members for the Advisory Council or The Committee will be primarily the applicant's involvement in promoting racial harmony in the community and care should be taken that the maximum number of various visible minority groups are represented on the Council and The Committee.
4. The Selection Committee reserves the right to add up to two more members to the Advisory Council if/as the need arises or fill vacancies on The Committee if/when they occur during the term.
5. The names of those selected will be presented to Council at their next meeting.
6. Members are expected to attend all meetings, including the Sub-Committee meetings, on a regular basis. If however a member is absent from two consecutive meetings without due cause, that member will be advised in writing that they shall cease to be a member if they do not attend the meetings regularly.
7. The Mayor will call the first meeting of the Advisory Council in February. At this meeting members will select the Chairperson and Co-Chairperson in secret balloting.
8. The Mayor will call the first meeting of The Committee following the meeting of the Advisory Council. The members will select the Co-Chairperson of The Committee by secret ballot and select Chairpersons of Sub-Committees. The Co-Chairperson will serve only one term of City Council.

CONDUCT OF BUSINESS IN THE COMMITTEE AND ADVISORY COUNCIL

1. The Chairperson, or in the absence of the Chairperson, the Vice-Chairperson, shall preside and shall have a vote on all questions submitted, and in case of an equal division the question shall be decided in the negative.
2. In the absence of the Chairperson and the Vice-Chairperson one of the other members shall be elected to preside, and shall discharge the duties of the Chairperson during the meeting, or until the arrival of the Chairperson or Vice-Chairperson at such meeting.

3. A quorum shall consist of the number of members of The Committee or Advisory Council required to make a bare majority of the total membership.
4. The Committee shall hold meetings regularly each month.

The Advisory Council shall meet every second month except July and August.

Special meetings can be arranged if so required on request of the Chairperson.
5. The Clerk's Department assigns a Legislative Assistant to function as secretary to The Committee and Advisory Council.

NOMINATION APPLICATION PROCESS:

The representatives will be selected on the basis of experience, special expertise in the area of cross-cultural relations, knowledge of or membership in native groups, various Hamilton racial minority groups, or agencies serving the needs of such groups.

City Council encourages the submission and/or nomination by individuals who may be considered for appointment to The Committee. Submission should include a biographical note on the individual, including his/her qualifications and experience as well as an indication of the nominee's willingness to serve, and 3 references.

Nominations should be forwarded to the City Clerk's Department, Membership City of Hamilton Race Relations Committee, City Hall, 71 Main Street West, Hamilton, L8N 3T4.

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **SIXTH** Report for 1991 and respectfully recommends:

1. That, in accordance with Section 26 of Regulation 546/90 of the Liquor Licence Act of Ontario, Country Music Week '91 to be held 1991 September 11-16, be deemed an event of municipal significance.
2. (a) That civic silver pins be awarded to the following members of the Steel City Riders' Motorcycle Club for winning 1990 Provincial Championships in the following categories:

Brad Lockhart	-	250cc Intermediate Class
Jamie Stercer	-	80cc 'A' Class
David King	-	Super Veteran Class
William Akershoek	-	Novice Class
- (b) That civic awards be presented to the following members of the Steel City Riders' Motorcycle Club for winning 1990 National Championships in the categories outlined below:

Chad Fleck	-	250cc Junior	-	Civic Gold Ring
Helmut Clasen	-	Veteran	-	Civic Silver Ring
Brad Lockhart	-	250cc and 500cc Intermediate	-	Civic Silver Ring with Diamond Insert
Alan Logue	-	Plus 30 Class	-	Diamond Insert
3. (a) That permission be granted to the Luso-Canadian Cultural Council of Hamilton to use the following City Hall facilities during Luso Fest '91:
 - (i) East and west areas of the second floor foyer at City Hall from 1991 May 31 to June 17 for a display of Portuguese artifacts.
 - (ii) Council Chambers from approximately 10:00 a.m. to 11:00 a.m. on 1991 June 01 for a proclamation ceremony.

- (b) That the Portuguese flag be flown at City Hall from 1991 June 01-17.
 - (c) That the City Clerk be granted the authority to approve of a similar use in future years, provided it does not interfere with any other activity.
- 4.
- (a) That the request of the Salvation Army to fly the Salvation Army Red Shield Appeal flag at City Hall during the month of May in recognition of Red Shield Month, be approved.
 - (b) That the City Clerk be granted the authority to approve of a similar use in future years, provided it does not interfere with any other activity.
- 5.
- (a) That permission be granted to the Hamilton-Wentworth Steering Committee for Canadian Occupational Health and Safety Week to use Room 233 from 12:00 noon till 5:00 p.m. on 1991 Monday, June 17 for a proclamation ceremony and reception to commence Canadian Occupational Health and Safety Week.
 - (b) That the City Clerk be granted the authority to approve of a similar use in future years, provided it does not interfere with any other activity.
- 6.
- (a) That the Multiple Sclerosis Society of Canada be granted permission to use the City Hall forecourt and related equipment on 1991 May 08 at 1:00 o'clock p.m. for a proclamation ceremony to include a live band performance, hot dog sales and clowns/balloons in recognition of Multiple Sclerosis Carnation Week.
 - (b) That the City Clerk be granted the authority to approve of a similar use in future years, provided it does not interfere with any other activity.
- 7.
- (a) That permission be granted to Amity Goodwill Industries to use Council Chambers on 1991 Friday, April 12 at 2:00 p.m. to make a public announcement.
 - (b) That the City Clerk be granted the authority to approve of a similar use in future years, provided it does not interfere with any other activity.

8. (a) That the City of Hamilton purchase a one-quarter page ad in the special issue of the Hamilton & District Stroke Recovery Association's Facts and Information Booklet, "All About Stroke & Recovery", at a cost of \$225.
(b) That the cost of this advertisement be financed from Account No. CH56302 12000, Advertising City Clerk.
9. That City Council consent to the use of the name "Hamilton" in the proposed incorporation of the Hamilton Minor Hockey Council.
10. (a) That the City of Hamilton renew the lease of four (4) parking spaces at the King-Jarvis Parking Lot by the "It's All Greek To Me!" Restaurant (Ms. Margaret Tsangarakis) for the purpose of establishing an outdoor patio restaurant at a rental fee of \$4,992.00 inclusive of realty taxes for a four (4) month period commencing 1991 May 06 and terminating on 1991 September 07.
(b) (i) That the Lease Agreement contain the proviso that the Lessee will provide the City with liability insurance to the extent of \$2,000,000.
(ii) That the patio structure to be placed on the subject parking spaces be constructed to the satisfaction of the General Manager of the Parking Authority.
(iii) That the Lessee be responsible for any business taxes as the use of the patio restaurant.
(c) That the Mayor and City Clerk be authorized to execute a lease agreement in a form satisfactory to the City Solicitor.
11. (a) That the Corporation of the City of Hamilton enter into the Clock Tower Agreement with The Cadillac Fairview Corporation Limited, Cadillac Fairview/JMB Investments Limited Partnership, Compvent Limited Partnership and Eaton Properties Limited ("the Developer") incorporating the provisions set out in the Agreement, attached hereto as Appendix "A", for the purpose of the City leasing to "the Developer" for \$1.00 per annum the clock and bell from the former City Hall for the purpose of reinstalling it in the new Hamilton Eaton Centre.

NOTE: The lease term will be for a maximum of ninety-nine (99) years; however, there are termination privileges as outlined in Section 9 of the Agreement.

(b) That the Mayor and City Clerk be authorized to execute this Agreement.

NOTE: The Agreement also calls for the payment by the City to "the Developer" of \$46,252.00 towards the initial cost of cleaning, servicing and repairing the clock and bell. The payment of this sum has previously been approved by Council. The work has been completed. The payment will be made upon execution by the City of this Agreement.

12. (a) That the monthly rental payments in the Lease Agreement between the City and Mrs. Wilson Elizabeth Balfour Baxter (Chedoke Estate, 654 Garth Street) be adjusted upwards as follows: commencing 1990 February 01, the monthly rent shall be \$1,750.
- (b) That the City Solicitor be authorized to prepare the necessary agreement required to facilitate this amendment.
- (c) That the City Treasurer be authorized to invoice Mrs. Wilson Elizabeth Balfour Baxter for the difference between the old rent of \$1,250. per month and the new rent of \$1,750. effective 1990 February 01.

13. That the Architectural Division in the Property Department be amended as follows:

	<u>Increase</u>	<u>Decrease</u>
Project Manager Non-Union Salary Classification Level "K" (\$42,566. - \$50,107. per annum)		1
Senior Project Manager Non-Union Salary Classification Level "I" (\$50,472. - \$59,471. per annum)	1	
	<hr/> 1	<hr/> 1

Net change in staff - nil

Cost differential at maximum rates: \$9,364. (1990 rates)

14. (a) That, as referred to in Section 5 of the Sixth Report of the Transport and Environment Committee, the City Solicitor be authorized to make application to the Ontario Municipal Board for approval to construct an independent concrete sidewalk on the south side of Limeridge Road between Upper Sherman Avenue and Hydro Right-Of-Way at an estimated gross cost of \$43,300.00 with City's share of \$9,126.18 to be financed by 1991 capital levy and the balance of \$34,173.82, being the owner's share, to be financed by the issuance of debenture for a period not to exceed 20 years.
- (b) That application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$34,173.82 for a term not to exceed 20 years for the above project.
15. (a) That the Parking Authority for the City of Hamilton absorb the annual Profit or Loss as of 1991 January 01 on all carparks which it presently manages, and are listed as follows, for a fee on behalf of the City and the senior levels of government:
 - (i) Bay and Cannon Street Lots
 - (ii) City Hall Lots
 - (iii) Queen and Hess Street
 - (iv) Century Street
 - (v) 16 Magill Street
 - (vi) York Boulevard Parkette
 - (vii) Underground Garage (profit and loss shared by the City of Hamilton 66.9% and Ministry of Government Services 33.1%)
 - (viii) James and Wilson (Urban Renewal Lot - profit and loss shared by Federal Government 50%, Province of Ontario 25%, and City of Hamilton 25%)
- (b) That the Parking Authority be responsible to negotiate with the senior levels of government to distribute the profit or loss and appropriate administrative fees.
16. That a new reserve "Reserve for Ticket Surcharge - Copps Coliseum" be created for use by H.E.C.F.I. to fund various projects within the 1991 to 1995 Capital Budget.
17. That the Library Board be given permission to sell 201 Herkimer Street as this facility is no longer suitable for the Library's intended use as a workplace daycare.

18. That the Final Report of the Comprehensive Audit of the Real Estate and Architecture Divisions, as submitted by Pannell, Kerr, MacGillivray dated 1991 January 11, attached hereto as Appendix "B", be approved.

NOTE: The Steering Committee convened on 1990 August 16 and 1990 December 13 to review draft submissions from the consultants regarding the audit. Through discussion, various amendments, deletions and additions were prepared which have resulted in the presentation of the final report and subsequent approval of the report by the Steering Committee on 1991 February 08. The Comprehensive Audit Sub-Committee approved the document on 1991 March 6.

19. That the Final Report of the Comprehensive Audit of the Property Maintenance Division, as submitted by Pannell, Kerr, MacGillivray dated 1991 January 24, attached hereto as Appendix "C", be approved.

NOTE: The Comprehensive Audit of the Property Maintenance Division, Phase I of the Real Estate and Property Area was one of the first audits of this series initiated at the City of Hamilton. A report, as prepared by Pannell, Kerr, MacGillivray, came before the Finance and Administration Committee on 1989 June 20, at which time it was received. At the Real Estate and Property Audit Steering Committee meeting of 1990 December 13, the auditors were directed to redraft the report and present it to the Steering Committee for review on 1991 February 08 and appropriate direction to the Audit Sub-Committee for approval on 1991 March 06.

20. That the contract settlement of the Ontario Glazier Institutional Commercial and Industrial Agreement between Architectural Glass and Metal Contractors Association and the International Brotherhood of Painters and Allied Trades and the Ontario Council of the International Brotherhood of Painters and Allied Trades, Local 1795 be received pursuant to the Fair Wage Policy of the City of Hamilton.

21. (a) That the City of Hamilton offer to settle Ontario Court of Justice (General Division) Action No. 425/85 by the payment of \$2,000. inclusive of pre-judgment interest, legal costs and disbursements to the Plaintiffs, Robert Anderson and Marcelle Anderson and by payment of \$3,350. inclusive of pre-judgment interest, legal costs and disbursements to the Plaintiffs, Antonio Cossu and Silvana Cossu.

- (b) That the Plaintiffs, Robert Anderson and Marcelle Anderson and Antonio Cossu and Silvana Cossu be required to provide a Full and Final Release to the City of Hamilton in a form satisfactory to the City Solicitor and that the Ontario Court of Justice (General Division) Action No. 425/85 be dismissed without costs as against The Corporation of the City of Hamilton.
- 22.
- (a) That, in Ontario Court (General Division) Action No. 852/90, the Law Department be instructed to defend only the proposition that the City of Hamilton's bingo licensing by-laws are enacted in accordance with, and are fully authorized by, the applicable Provincial Orders-in-Council.
 - (b) That, in Ontario Court (General Division) Action No. 852/90, the Law Department be instructed not to defend the constitutionality, or the form or content, of the delegation of authority to licence charitable lotteries from the Federal government to the Provincial government, or the constitutionality, or the form or content, of the Provincial government's Orders-in-Council authorizing Municipal Councils to issue lottery licences.
 - (c) That, in Ontario Court (General Division) Action No. 852/90, the Law Department be instructed to request the Attorney General's Department to consent to the Attorney General for Ontario being added as a Party to the Action for the purposes of responding to the constitutional arguments and the challenges to the Provincial Orders-in-Council.
- 23.
- (a) That the City of Hamilton resolve Ontario Court (General Division) Action No. 11369/88 by the payment of \$3,750. to the Plaintiff, Adeline Clements inclusive of all damages, interest and cost.
 - (b) That Adeline Clements be required to execute a Full and Final Release of the City of Hamilton in a form satisfactory to the Law Department.
 - (c) That Ontario Court (General Division) Action No. 11369/88 be dismissed, as against the City of Hamilton, without costs.

24. That leave be granted to introduce the following Bills:

Bill H-8 A By-law to Authorize Construction of a Senior Citizen's Centre at
Sackville Hill Memorial Park

Bill H-9 A By-law to Confirm the Proceedings of the Council of the
Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

**ALDERMAN B. HINKLEY, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

John Thompson, Secretary
1991 March 21

CLOCK TOWER AGREEMENT

THIS AGREEMENT made as of the 18th day of October, 1990.

B E T W E E N:

THE CORPORATION OF THE CITY OF HAMILTON

(the "City")

- and -

THE CADILLAC FAIRVIEW CORPORATION LIMITED,
CADILLAC FAIRVIEW/JMB INVESTMENTS LIMITED
PARTNERSHIP, COMVENT LIMITED PARTNERSHIP and
EATON PROPERTIES LIMITED

(collectively the "Developer")

WHEREAS Eaton Properties Limited is the owner of certain
lands described in Schedule "A" hereto;

AND WHEREAS the Developer has a leasehold interest in and
is redeveloping the lands described in Schedule "A";

AND WHEREAS the City is the owner of a pendulum clock
face and assembly and a bell formerly located in the "Old City Hall"
building in Hamilton, Ontario;

AND WHEREAS the clock assembly (the "Clock") is located at
City Hall, 71 Main Street West, Hamilton, Ontario, and the bell
(the "Bell") is on display at Sam Lawrence Park, Hamilton, Ontario;

AND WHEREAS the Developer proposes to construct a tower
on the lands described in Schedule "A" (the "Tower") and to install,
display and operate the Clock and Bell therein;

AND WHEREAS the City has agreed to lease the Clock and
Bell to the Developer for such purposes and upon the terms and
conditions below.

THEREFORE, in consideration of the mutual covenants herein,
and of other good and valuable consideration, the parties agree as
follows:

1. LEASE OF CLOCK

The City hereby leases the Clock and Bell to the Developer
for the purposes of installation, display and operation of the Clock
and Bell by the Developer in the Tower.

2. LEASE PAYMENTS

In consideration of the lease of the Clock and Bell, the Developer shall pay to the City the sum of \$1.00 per year.

3. INSTALLATION OF CLOCK AND BELL

The Developer, acting as agent for the City, shall be responsible for arranging the following:

- (a) removal of the Clock from the City's premises;
- (b) initial cleaning, servicing, repair (including replacement of any lost or damaged parts) and assembly of the Clock in good operating condition;
- (c) transportation of the Clock and Bell to the Tower; and
- (d) installation of the Clock and Bell in the Tower in a secure and workmanlike manner.

It is intended that any agreements entered into by the Developer with third parties in connection with the above work shall also extend to, be binding upon and enure to the benefit of the City and the City shall be able, at any time, to enforce all rights and remedies arising in connection with such agreements.

Immediately following such installation, the City shall contribute towards the costs of the foregoing by delivering to the Developer a cheque in the amount of \$46,252.00.

4. CITY'S REPRESENTATIONS AND WARRANTIES

The City represents, warrants and covenants that:

- (a) the City has the lawful right to lease the Clock and the Bell to the Developer in accordance with the terms hereof;
- (b) this Agreement has been duly authorized, executed and delivered by the City.

5. ONGOING MAINTENANCE OF CLOCK

The Developer jointly and severally covenants with the City as follows:

- (a) to clean, maintain and repair the Clock and Bell from time to time in a good and workmanlike manner; and

- (b) to operate the Clock and Bell following installation in the Tower, at the sole cost and expense of the Developer, in such manner as a prudent owner would to ensure that such operation is as continuous as possible and no undue interruption of operation occurs.

Notwithstanding the foregoing, if the Developer deems it impractical to repair any part or parts of the Clock and Bell, the Developer may replace such part or parts provided that the Developer delivers the replaced part or parts to the City for disposal by the City.

Notwithstanding anything to the contrary herein expressed, in the event that in any 12 month period during the term of this Agreement the costs to clean, maintain, repair and operate the Clock and the Bell as aforesaid exceed the amount determined by the Developer to be the cost to clean, maintain, repair and operate a clock and a bell with modern mechanisms similar in appearance to the Clock and the Bell, the Developer shall have the right, but not the obligation of either:

- (a) with the consent of the City, replacing the inner workings of the Clock with a modern mechanism, in order to reduce the costs of cleaning, maintaining, repairing and operating the Clock; provided, however, that the historical face and hands of the Clock are maintained; or
- (b) terminating this Agreement pursuant to Clause 9(d) hereof.

6. **CLOCK AND BELL ARE PROPERTY OF CITY**

The Developer acknowledges and agrees that the Clock and Bell are and shall at all times remain the sole property of the City and all improvements, repairs and replacements to any part or parts of the Clock or Bell, whether made by the City or the Developer, shall immediately become the sole property of the City and shall be subject to all the terms of this Agreement; provided, however, that in the event that the Developer has made substantial improvements, repairs or replacements in respect of the mechanism of the Clock (save and except, for greater certainty, the historical face and hands of the Clock), such improvements, repairs or replacements shall become the sole property of the Developer.

The parties agree that the Clock and Bell are and shall at all times be and remain personal and movable property regardless of the manner in which they may be attached or affixed to the Tower.

7. COVENANTS OF DEVELOPER

The Developer jointly and severally covenants and agrees with the City as follows:

- (a) to permit access to the Clock and Bell from time to time by the authorized representatives of the City for the purpose of inspecting the condition thereof;
- (b) to effect and maintain all-risks property insurance covering the operation of the Clock and Bell in amounts of not less than 90% of the full replacement cost of the Clock and Bell and liability insurance in the amount of not less than \$2,000,000.00 per occurrence such amount to be reviewed and adjusted every five years from the date hereof by agreement between the City and the Developer and, failing agreement, shall be increased by multiplying \$2,000,000.00 by the year over year increase in the Consumer Price Index published by Statistics Canada (or any successor thereof) in The Consumer Price Trader (or any successor publication thereof) for the period between October 1990 and October of the year the said amount is to be reviewed. . The insurance required by the Developer shall show the Developer and the City as insured parties as their interests may appear and the Developer shall provide proof of such insurance in the form of a certificate of insurance to the City upon installation of the Clock and Bell, and continuously from time to time thereafter at the request of the City;
- (c) to maintain the Tower at all times in good repair and condition consistent with the standards maintained in respect of buildings or structures of a similar age in the City of Hamilton; and
- (d) not to remove the Clock and Bell or any part thereof from the Tower except as permitted by this Agreement and except where removal is required on a temporary basis for the purpose of cleaning, maintenance, replacements or repair.

The Developer shall, at its sole cost during the term of this Agreement, maintain, service, repair, overhaul and rebuild the Clock and the Bell so as to keep the Clock and the Bell in as good an operating condition, state of repair and appearance as when originally delivered to Developer and installed in the Tower, ordinary wear and tear excepted.

8. INDEMNITY

The City shall not be liable to the Developer for any loss or damage to real or personal property (including the Tower), injury or death to persons, or for any costs or expenses whatsoever arising directly or indirectly from the installation, operation, maintenance, repair or removal of the Clock and Bell, excepting only the payment of \$46,252.00 referred to in Clause 3 hereof and any loss or damage arising directly or indirectly from the negligent acts or omissions of the employees or agents of the City or of those for whom the City is in law responsible.

The Developer jointly and severally covenants to indemnify and hold the City harmless from and against all actions, causes of action, interest, claims, demands, costs, damages, expenses or loss which the City may bear, suffer or be put to by reason of any loss or damage to property or injury or death to persons as a result of the lease of the Clock and Bell by the City to the Developer and the installation, maintenance, repair and operation of the Clock and Bell by the Developer, excepting only any loss or damage arising directly or indirectly from the negligent acts or omissions of the employees or agents of the City or of those for whom the City is in law responsible.

9. TERMINATION

This Agreement may be terminated:

- (a) by the written agreement of all parties;
- (b) by the City at its option upon the default of the Developer in any of its covenants or obligations herein, and the failure to remedy such default within such period as may be reasonably specified after receiving written notice of default from the City;
- (c) automatically upon the expiry of 99 years from the date hereof; or
- (d) by either party at any time upon the giving of 180 days written notice; notwithstanding such right of either party, it is intended by the parties that the Clock and Bell will remain in the Tower as long as the Tower is in existence.

10. CONSEQUENCES OF TERMINATION

Upon any termination of this Agreement, unless otherwise set forth in this Agreement, the Clock and Bell shall be returned to the City by the Developer at the expense and risk of the Developer in the event of a termination of this Agreement as a result of a default of the Developer, or the expiration of the term of this Agreement and shall be returned to the City by the Developer, as agent for the City, at the expense and risk of the City upon the occurrence of any other event of termination.

11. NOTICES

Any notices or payments required or permitted to be given under this Agreement shall be sufficiently given if personally delivered or mailed by prepaid registered mail:

(a) to the Developer:

c/o The Cadillac Fairview Corporation Limited
20 Queen Street West,
Toronto, Ontario
M5H 3R4

Attention: Secretary

and

(b) to the City at:

City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: City Clerk

Such notice shall be deemed to have been given on the date of personal delivery or on the second business day after the date on the postal registration receipt.

12. REGISTRATION OF AGREEMENT

This Agreement may be registered by the City on the title to the lands described in Schedule "A".

13. SUCCESSORS AND ASSIGNS

This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties have executed this Agreement under the hands of their duly authorized officers.

THE CORPORATION OF THE CITY OF HAMILTON

Approved for Execution

MARTIN & MARTIN

PER: *Neil Hardy*

Per: _____
Name: _____
Title: _____

Per: _____
Name: _____
Title: _____

I/We have the authority to bind the Corporation.

THE CADILLAC FAIRVIEW CORPORATION LIMITED

Per: *Donald M. Blair*
Name: _____
Title: _____

Per: *John W.*
Name: _____
Title: _____

I/We have the authority to bind the Corporation.

CADILLAC FAIRVIEW/JMB INVESTMENTS LIMITED PARTNERSHIP, by its sole general partner: Cadillac Fairview/JMB Investments Corp.

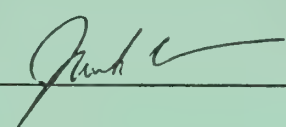
Per: *Donald M. Blair*
Name: _____
Title: _____

Per: *John W.*
Name: _____
Title: _____

I/We have the authority to bind the Corporation.


COMPVENT LIMITED PARTNERSHIP, by its sole
general partner: Cadillac Fairview/JMB
Investments Corp.

Per: 
Name: _____
Title: _____

Per: 
Name: _____
Title: _____

I/We have the authority to bind the
Corporation.

EATON PROPERTIES LIMITED

Per: 
Name: _____
Title: _____

Per: 
Name: _____
Title: _____

I/We have the authority to bind the
Corporation.

rw:mvv:89.4403.cad2.agt.nov5

SCHEDULE "A"

DESCRIPTION OF LANDS

FIRSTLY:

All of York Boulevard, South Branch, formerly part of Merrick Street, Registered Plan 39, as closed by By-law registered as 403889CD, now designated as Parts 1, 2, 3, 4, and 5, Plan 62R-8518, City of Hamilton, Regional Municipality of Hamilton-Wentworth.

Previously described in Instrument No. 419714CD.

SECONDLY:

Part of Lot 5, Block 5 and Part of 6, Block 5, Plan 39 now designated as Parts 7, 8 and 9, Plan 62R-8518, City of Hamilton, Regional Municipality of Hamilton-Wentworth.

Previously described in Instrument No. 419715CD.

THIRDLY:

Part of Lot 5, Block 5, Plan 39 designated as Part 6, Plan 62R-8518, City of Hamilton, Regional Municipality of Hamilton-Wentworth.

Boundaries of the parcel are confirmed under the Boundaries Act by Plan BA-776 registered as Instrument No. 700CD on January 13, 1976.

Previously described in Instrument No. 496533CD.

FOURTHLY:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, being composed of Lots Numbers One (1) and Two (2) and Part Lot Four (4) in the Block bounded by James, Merrick, MacNab and York Streets in David Kirkendall's Survey registered in the Registry Office for the Registry Division of Wentworth as Plan No. 39 and part of Andrew Miller's Seven Acre (7 ac.) Tract as shown on plan filed in the said Registry office in Miscellaneous Drawer No. 2 and designated as Part 1 on a Reference Plan of Survey filed in the said Land Registry Office as Plan No. 62R-253.

As abstracted as Jackson Square.

Boundaries of the parcel are confirmed under the Boundaries Act by Plan BA-776 registered as Instrument No. 700CD on January 13, 1976.

Previously described in Instrument No. 489137CD.

FIFTHLY:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, being composed of part of Andrew Miller's Seven Acre (7 ac.) Tract as shown on a plan filed in the Registry Office for the Registry Division of Wentworth in Miscellaneous Drawer No. Two (2), designated as Part 2 on a Reference Plan of Survey filed in the said Land Registry Office as Plan No. 62R-253.

As abstracted as Jackson Square.

Boundaries of the parcel are confirmed under the Boundaries Act by Plan BA-776 registered as Instrument No. 700CD on January 13, 1976.

Previously described in Instrument No. 489137CD.

SIXTHLY:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, being composed of part of Andrew Miller's Seven Acre (7 ac.) Tract as shown on a plan filed in the Registry Office for the Registry Division of Wentworth in Miscellaneous Drawer No. Two (2), designated as Part 3 on a Reference Plan of Survey filed in the said Land Registry Office as Plan No. 62R-253.

As abstracted as Jackson Square.

Boundaries of the parcel are confirmed under the Boundaries Act by Plan BA-776 registered as Instrument No. 700CD on January 13, 1976.

Previously described in Instrument No. 489137CD.

SEVENTHLY:

Parcel 4-2, Section W-39

THAT PART of Market Square (formerly York Street) as shown on Plan No. 50, now closed by City of Hamilton By-law No. 70-279 dated September 29th, 1970, and registered as Instrument No. 182921 A.B., said Market Square being formerly part of Andrew Miller's Survey (Seven Acre Tract) in the block bounded by York Boulevard (formerly Merrick Street), James Street, Market Square and MacNab Street (now closed) registered in the Land Registry Office for the Land Titles Division of Wentworth (No. 62) at Hamilton, and designated as all of Part 6 on a Plan of Survey filed in the said Land Titles Office, as Plan 62R-2801.

Previously described in Instrument No. 242857LT.

EIGHTHLY:

Parcel 4-3, Section W-39 (Freehold)

THOSE PARTS of Andrew Miller's Survey (Seven Acre Tract) as shown on Plan No. 50, in the block bounded by York Boulevard (formerly Merrick Street), James Street, Market Square and MacNab Street (now closed), and part of Market Square (formerly York Street) now closed by City of Hamilton By-Law No. 70-279 dated September 29th, 1970 and registered as Instrument No. 182921 A.B., registered in the Land Registry Office for the Land Titles Division of Wentworth (No. 62), at Hamilton, designated as all of PARTS 5 and 7 on a Plan of Survey filed in the said Land Titles Office as 62R-2801.

Previously described in Instrument No. 242858LT.

NINTHLY:

Parcel 4-5, Section W-39 (Freehold)

THOSE PARTS of Andrew Miller's Survey (Seven Acre Tract) as shown on Plan No. 50, and part of Lot 4, and an unnumbered Lot according to David Kirkendall Survey as shown on Plan No. 39, both surveys being in the block bounded by York Boulevard (formerly Merrick Street), James Street, Market Square (formerly York Street) and

MacNab Street (now closed), registered in the Land Registry Office Land Titles Division of Wentworth (No. 62) - at Hamilton, designated as all of PARTS 1 and 2 on a Plan of Survey filed in the said Land Titles Office as 62R-2801.

Previously described in Instrument No. 242858LT.

TENTHLY:

Parcel 4-4, Section W-39 (Freehold)

THOSE PARTS of Andrew Miller's Survey (Seven Acre Tract) as shown on Plan No. 50, in the block bounded by York Boulevard, (formerly Merrick Street), James Street, Market Square (formerly York Street) and MacNab Street (now closed), registered in the Land Registry Office (No. 62) - Land Titles Division of Wentworth - at Hamilton designated as Parts 3 and 4 on a Plan of Survey of record in the said Office of Land Titles at Hamilton, as Plan 62R-2801.

Previously described in Instrument No. 72617LT.

iv:mvv:89.4403.cadf.agt.nov3

FINAL REPORT

COMPREHENSIVE AUDIT

of the

REAL ESTATE and ARCHITECTURE DIVISIONS

*Prepared for submission to
the Comprehensive Audit Committee*

Pannell, Kerr, MacGillivray
January 11, 1991

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CHAPTER 1

INTRODUCTION

Pannell, Kerr, MacGillivray was commissioned by the City of Hamilton to undertake a comprehensive audit of its Real Estate and Architecture Divisions. The audit commenced in November of 1989 but work was suspended in December, 1989, pending review of the consultants' mandate and the establishment of a Steering Committee to guide the audit. The Comprehensive Audit Steering Committee held its first meeting on August 16, 1990, to consider the audit process and the main issues to be addressed. The Committee met again on December 13, 1990, to review the consultant's draft report.

The audit examined (i) the effectiveness of the two Divisions in terms of the services provided to clients and (ii) the City's overall management and control of real property holdings and capital building projects.

The two Divisions which were the focus of the comprehensive audit are both situated within the Property Department. The Maintenance Division, which is also a component of the Property Department, was the subject of an earlier comprehensive audit and was not included in the present effort. The Director of the Property Department, who reports to the Chief Administrative Officer of the City, is a member of the City's senior management team and the two Divisions are headed by Managers who report to the Director.

This introductory chapter provides an overview of the comprehensive audit performed on the two Divisions and the nature of the environment in which they operate. There is a brief introduction to the contents of the remainder of the report at the conclusion of this chapter.

1.1 AUDIT APPROACH

It is the intention of this comprehensive audit to go beyond providing a management "report card" to indicate where practical steps might be taken to improve operational effectiveness. The approach involved regular consultation with the management of the Property Department and the two Divisions to identify issues and consider options for making improvements. The audit also considered questions related to real estate and architecture which go beyond the mandate of the Property Department.

The main steps in the audit work program were as follows:

- **Initial Consultations** - At the outset the consultants met with the Director of Property and the Managers of the two Divisions involved to discuss the audit approach, work plan, central issues, interview schedule and information sources.
- **Documentation Review** - The consultants reviewed documentation including the organization plan, job descriptions, earlier reports, project documents, filing systems, etc.
- **Land Holdings Sample** - The consultants reviewed a sample of City land holdings to determine current use.
- **Interviews** - Interviews were held with a majority of Real Estate and Architecture Division staff and a representative cross section of City and external "clients."
- **Issues Review** - At the mid point in the review, the consultants prepared a preliminary inventory of issues for review with the Comprehensive Audit Steering Committee and Property Department management.
- **Research** - Further research was conducted in issue areas which seemed to be material to the operations of the two Divisions.
- **Preliminary Discussion of Findings** - The consultant held informal discussions with Departmental management about the preliminary findings and conclusions to clear up possible

misperceptions and discuss the various options for remedying problems.

- **Final Report** - A draft of the final report was presented to the Comprehensive Audit Steering Committee and the comments and suggestions made by Committee members and Property Department staff were taken into consideration in the preparation of this final report.

1.2 THE OPERATING ENVIRONMENT

To put the operations of the two Divisions into context, brief consideration is required of the environment in which they operate. Essentially, the Architecture and Real Estate Divisions are service units which deliver a variety of professional services, at no charge, to other City units and the Council. They also provide services on a fee basis to the Non-Profit Housing Corporation, the Region and the other municipalities in the Region.

There are a number of factors which affect demand for the services of the two Divisions, the resources available to them and working relationships with clients:

- The level of demand for the Divisions' services is largely beyond the control of their management. While periodic attempts are made to forecast and prepare for service requests, the factors which affect the Divisions' workload are primarily external and difficult to foresee. This makes planning difficult and demands sometimes vary significantly from month to month or from year to year.
- Since the services of the two Divisions' are "free" as far as other City units are concerned, it is not always clear that there is a real need for the services requested.
- It is sometimes difficult for the Division to determine the relative priority to place on various requests for

service received from clients within and external to the City.

- The City's collective bargaining agreements, human resources policies and personnel support services sometimes make it difficult for managers to deal with problem employees.
- The Council's current emphasis on keeping staff to a minimum makes it difficult to manage a unit where there is little control over the level of demand for services.
- Current policies and procedures governing the use of contract personnel do not facilitate the use of short term contracts to meet work load peaks.
- The City's committee system places a heavy demand on senior managers' time sometimes leaving insufficient time for management functions.
- Relations between Council members and City staff are sometimes strained and this can make it difficult for senior managers to gain a sympathetic review of management problems.
- The strong relations between City and Region staff make cooperation between the two bodies possible.
- Within the City, relations among departmental staff are generally strong, facilitating both formal and informal cooperation.
- The volume of City and Region real estate and capital project activities was very high in 1989 and 1990 and this high level of activity is likely to continue through much of 1991.

1.3 REPORT CONTENTS

The points below outline briefly the contents of subsequent chapters of this report.

- **Chapter 2** addresses the operations of the **Real Estate Division**. It considers the Division's main functions and then goes on to review operational issues related to client relations, productivity, land management and workload management.
- **Chapter 3** focuses on the **Architecture Division**. It considers operational issues related to the various functions the Division performs now, other functions it might take on, client relations, productivity, and workload management.
- **Chapter 4** considers briefly the functions of **Departmental level management** and the possible advantages of providing common services to the Department's three Divisions from a central administrative unit.

CHAPTER 2

REAL ESTATE DIVISION

The Real Estate Division is an internal service unit which provides professional services to the City and, on a fee for service basis, to a limited number of external clients including the Region and other municipalities in the Region. The central functions of the Real Estate Division's include:

- providing informal estimates and formal appraisals of property values for a variety of different purposes including the assessment of property values to determine building permit fees;
- site identification for proposed capital projects;
- land acquisition, including expropriation if necessary, for capital projects;
- holding and managing acquired property until clients are ready to take on responsibility. This might include maintenance and minor improvements (through the Property Department's Maintenance Division); short term leasing; and demolition;
- disposition of properties. On occasion the Real Estate Division has performed the "developer" activities of subdividing and selling off smaller parcels where this seems to be cost effective; (The Real Estate Division will pay a real estate broker's fee to the purchaser's agent but does not use outside agents to manage the City's part of the transaction.); and
- informal functions such as advising on the management of the City's office facilities.

While the Real Estate Division often provides informal advice related to the overall management of the City's extensive property holdings, it does not have a formal mandate to monitor and safeguard the City's real assets.

The audit process led to consideration of a number of issues related to the operations of the Real Estate Division. Those which emerged as significant are discussed below under these general headings:

- client relations;
- productivity;
- workload management; and
- land management.

2.1 CLIENT RELATIONS

The Real Estate Division's clients include City departments, Council, the Non-Profit Housing Corporation, the Region and other municipalities in the Region. The Division charges clients outside of the City on a fee for services basis. The fee is calculated by multiplying the base salary of the person who performs the service by 1.8. Thus, if the Region uses 10 hours of a Real Estate Division staff person who earns \$22 per hour, the fee charged is \$396; ($1.8 \times \$22 \times 10 \text{ hours} = \396).

In general, the Real Estate Division is a professional and efficient operation which is responsive to clients requirements. Clients feel positively about the services they receive from the Division and have confidence in the professional capability of the Division's staff. While some have concerns that it sometimes takes too long for the Division to complete its tasks, there is general recognition that there are legitimate technical and workload reasons for these delays. Clients believe that while the Real Estate Division cannot always meet their needs immediately, the Division makes a very real effort to provide service in a timely manner.

The Division has a reputation for providing high quality and objective professional services and considered advice. While the conclusions and recommendations of the Division are not

always popular, most clients appreciate that the estimates and assessments made by the Real Estate Division are based on objective analysis and long standing familiarity with the property market in the region.

The Director of the Property Division is a qualified appraiser who has been responsible for the City's real estate operations since 1977. He is still actively involved in the Division's work and personally carries a number of the Division's more complex files. The Director and the senior staff of the Real Estate Division have shown initiative and commitment to the City by taking on functions which go beyond the Division's formal mandate. An example of this is the "developer role" they have elected to play to gain the highest possible return on the disposition of the old maintenance depot site.

Until early 1990, the Real Estate Division has been able to meet most of its clients' requirements in a timely manner in spite of a workload which staff have always considered to be quite heavy. However, in recent months, the Real Estate Division has faced a mounting workload which has made it difficult to meet client expectations. The result has been that City and external clients are sometimes forced to use outside real estate appraisers. In some cases the Real Estate Division has been able to assist its clients in the selection and management of outside resources; in others, clients have managed the process on their own. Several problems have been encountered in the use of outside appraisers who were not selected and supervised by Real Estate Division staff.

If workload pressures continue, the City will have to rely more heavily on outside resources. Because there is no formal policy governing the use of outside real estate professionals, it could become more common for City departments to circumvent the Real Estate Division in engaging this type of assistance. This could lead to higher costs for real estate services as well as problems related to the approach and standards applied.

Recommendation #1: Council should assign formal responsibility to the Real Estate Division for engaging and supervising the work of outside real estate professionals contracted to provide services to City units. The Director of the Property Division should also meet with senior managers in the Region to suggest that a similar policy be adopted there.

The Real Estate Division's current workload has also made it difficult for it to service its external clients. This in turn has presented a difficulty in balancing City client responsibilities with the requirements of its "paying clients." It is clearly to the benefit of the City and the Region to have the Real Estate Division continue to serve both organizations. However, current budgetary arrangements encourage the Real Estate Division to give higher priority to the work for the Region and eventually this will cause problems for its City clients.

Recommendation #2: The Real Estate Division should be allowed greater flexibility to engage outside real estate professionals on a contract basis to ensure that it is able to service its external clients without disrupting service to City units. This may require some budget flexibility in the current fiscal year to allow for the Division's present workload peak. In the next fiscal period, the Division should make appropriate budgetary projections to allow for the outside contract personnel required to meet client requirements.

2.2 PRODUCTIVITY

Given the City's volume of property transactions, there are clear advantages to the City and the Real Estate Division's external clients of having internal real estate expertise. Without the Real Estate Division, City staff in other departments would have to engage outside professionals and manage their activities. Having an internal unit which is familiar with the City's needs and procedures reduces the time required of City staff. This same familiarity

enables Real Estate Division staff to complete transactions more efficiently than would be possible for outside professionals.

In addition to taking more City staff time, having to engage external professionals would inevitably lead to problems where City staff had insufficient expertise to manage the outside real estate professionals. Since matters related to the purchase and sale of real property can sometimes attract media attention and lead to public concern, this is an area where the Council and City staff have an interest in keeping such problems to a minimum.

There are also a number of advantages to the City of having the Real Estate Division serve external clients since revenue received from external clients allows it to sustain a larger staff group with a broader range of skills and capabilities. More importantly perhaps, having the same real estate unit work for both the City and the Region facilitates planning and negotiations which involve both levels of government. For external clients, the familiarity of the Real Estate Division staff with requirements and procedures alleviates pressure on internal staff. As well, the fee charged by the Real Estate Division is lower than what outside professional would charge for similar services.

It is difficult to assess in strictly quantitative terms whether the City is better off having an internal real estate unit. To make this assessment one would have to determine:

- the extent to which outside real estate professionals (mainly appraisers and brokers) would be engaged to do the work which the Real Estate Division does, and the cost which would be incurred;
- the cost to the Real Estate Division's clients, in terms of staff time, of having to manage the outside professionals;

- the extent to which the work which would be done by the Real Estate Division would simply not be done, and the cost or problems which may arise because these functions are not carried out; and
- the cost of having City staff conduct some of the related services, (such as managing new acquisitions until capital projects are initiated), presently carried out by the Property Department.

The limited project and staff time statistics presently kept by the Real Estate Division, as well as the intangible nature of some of the considerations set out above, make a benefit/cost analysis of the Division very difficult. The analysis would require a broad set of assumptions and estimates which would make it only marginally useful.

Based on the consultants' review of the work activities and files of the Real Estate Division as well as interviews with Real Estate Division staff and clients in the City and Region, it is reasonable to conclude that the Division contributes substantially to the operations of the City and its external clients and that property and capital project management would be cumbersome and costly in the absence of an internal real estate function.

While the logic of having an internal real estate unit is not in question, the **productivity** of the unit is still a central issue. Productivity is the measure of the Division's output as compared with the cost of its operation. Assessing productivity in quantitative terms requires measures which indicate the amount of staff time and other inputs it takes to process various types of transactions. Initially the consultant attempted to identify productivity measures which might show trends in the Real Estate Division's productivity or allow for comparison with similar units elsewhere. However, both the nature of the Division's work, which is highly varied, and the lack of appropriate statistics, did not allow for a meaningful quantitative assessment of productivity.

For the most part, the controls on staff productivity are informal. Senior members of the Division assign "files" to professional staff and review the results of their work. A relatively new computerized data base allows management to keep track of the files assigned to each staff member, the nature of the files and the length of time it takes to complete the work. Managers assess staff productivity as they review their work. They will also be alerted to problems if clients call to complain that work is late. This system of staff supervision will indicate when staff are devoting too much time to their assignments. It will also flag situations where quality has slipped because the work has been hurried or shortcuts were taken. However, it does not provide a means of assessing productivity of individual staff members, or the Division as a whole, in quantitative terms.

In general terms, looking at the qualifications of Division staff, staff attitudes, client satisfaction, the number of files staff members carry, the number of hours worked and the quality of services delivered, it seems reasonable to conclude that productivity is at a reasonably level now. However, given current workload problems, and the City's emphasis on productivity, steps should be taken to install a system which will allow the Division to monitor and improve its productivity.

Recommendation #3 The Property Department should develop a system of general time standards for the work of the Division and introduce time budgets and control systems for all staff assignments. The system might build on the existing project data base system, allowing managers to determine the workload assigned to each staff members. It would also enable the Division to develop statistical data related to the amount of work done for each of its clients, the nature of that work and the amount of time devoted to different types of work. The system would allow the Division to track its work over time indicating how volume fluctuates from month to month and from year to year. It should also indicate trends in terms of client demands and the types of work required by its various clients. It would also give division managers rough indicators of the relative productivity of its staff.

At present, the Real Estate Division uses a manual filing system to keep information about land transfer prices. The system is cumbersome. It requires clerical time to do the filing; it is difficult for professional staff to use the system to get historical information about selling prices; and it is not possible to be sure that the information is complete and up to date. The productivity of the Division as well as the quality of its output would be improved if it had an automated system for storing and retrieving information required to appraise properties. The Real Estate Board has such a system, but it has turned down the Real Estate Division's requests to gain access to it.

Recommendations #4. The Real Estate Division should make a further effort to gain access to the Real Estate Board's information system. It might be possible to encourage the Board to share its system if it is offered the opportunity to access the PARCIL system once it is installed. If the Real Estate Division fails to gain access to the Board's system, it should consider the feasibility of developing its own.

2.3 WORK LOAD MANAGEMENT AND COST CONTROL

Towards the end of the study period it became clear that the Real Estate Division was encountering serious problems in managing its commitments within its allotted resource budget and the consultants devoted some attention to the Division's problems of workload management.

Managing the workload for an internal service group is never easy. For a service unit within the City of Hamilton it is particularly difficult because there is limited flexibility in terms of staffing, contracting out and priority setting. Nevertheless, it is one of management's most important tasks. Management of the workload means:

- achieving a workload balance which will keep staff fully employed and highly productive, without overloading them to the point that quality, morale, and health fail; and
- meeting the priority requirements of clients in a way which maintains client confidence and at the same time ensures that Real Estate Division resources are applied to the most important of the City's priorities.

For the most part, the Real Estate Division's workload consists of many projects, few of which take up substantial amounts of staff time. While a few of the Division's major projects will require time commitments measured in terms of person months, most require less than 5 staff days. However, for purchase or disposition transactions, staff will typically devote anywhere from a few minutes to a few hours a day, over many months of the project's life. The result is that all of the professional staff of the Division carry relatively large (40 to 50 files) "case loads."

The requirements for Real Estate Division services, and the costs which result, are generated externally. While the Division must strive to perform its services as efficiently as possible, it has little control over the level of demand for its services. In fact, the demand for its services may be higher than is necessary because as far as its City clients are concerned, those services are free.

The current arrangement of providing services to City departments at no charge places the onus for the control of real estate service costs on the Real Estate Division. While it does not appear that there is excessive use of the Division's services, it is likely that demand for services would decline if client departments required budget allocations and spending approvals to engage Real Estate Division staff services.

It is unreasonable to place the full burden for controlling the use of real estate services on the managers of the Real Estate Division. This places them in the awkward position of

having to balance client priorities and question client judgement. The Council cannot expect to limit the costs of its service entities solely by restricting the resources allocated to the service units. This will lead to strained relationships among City departments and staff stress within the service units. The user groups must share some responsibility for controlling service unit costs.

Workload management has been a problem in the Real Estate Division for a number of years. The services of the Division have always been in demand, and it has never had a large staff complement. At the present time there are a number of factors affecting the Real Estate Division's work load:

- four experienced staff left the Division in the 1990;
- replacement staff do not have extensive experience or training related to the Real Estate Division's functions;
- legislative changes require more work in connection with many transactions; (e.g., soil tests);
- current economic conditions makes negotiations more difficult;
- there is a larger volume of work emanating from other municipalities;
- the Non-Profit Housing Corporation has become active recently;
- the airport project requires an extensive time commitment from the Real Estate Division's senior personnel;
- there are a number of major roads projects under way;
- the number of subdivision applications increased in the late 80s;
- most acquisition projects now involve at least one expropriation;

- there has been an increase in the number of public enquiries;
- the Real Estate Division has, on its own initiative, taken on projects which will probably result in real benefit to the City but which, nevertheless, call for staff time and attention; and
- the management workloads of the Department's Director and the Manager of the Real Estate Division have increased making it difficult for them to carry Real Estate Division project responsibilities as they have in the past.

In the past, the Real Estate Division has been able to cope with its heavy workload because its staff, from the Director of the Property Department to the clerical level, have had strong commitments to the Real Estate Division and its clients. With the current workload and the factors affecting the Real Estate Division's capacity to respond, commitment is not enough. Indeed, many believe that it was staff commitment in the face of heavy workloads which contributed to the loss of four key employees in 1990.

The Real Estate Division, with the assistance of Property Department management as well as the support of senior City management, will have to develop mechanisms to ensure that its workload is balanced and that its scarce resources are focused on those activities which will be of greatest benefit to the City.

Recommendation #5: The Real Estate Division should develop a project management information system which will provide more effective control of scheduling and staff time required to complete the assignments it takes on. The system need not be complex. It could be based on the project control system which the Division has recently put in place and be integrated with the systems suggested in recommendation #3 above. Among other things, the system will require that Division staff record time devoted to City clients in much the same way as they now record time spent on projects for external clients.

Recommendation #6: The Real Estate Division should introduce a more formal priority setting procedure to ensure that the Division's work priorities reflect the best interests of the City. The procedure should involve the Real Estate Division's senior staff and allow for consultation with clients. It might also allow the Division to request that a more senior body review major service requests before significant resources are devoted to them.

Recommendation #7: The Real Estate Division should augment its current client consultations to ensure that City and external clients understand the Division's work pressures, the cost to the City of requesting services from the Real Estate Division, what they can do to facilitate the Division's work and the lead times required for various types of services.

Recommendation #8: The Real Estate Division should seek formal approval and a specific budget provision for staff requirements before undertaking special initiatives such as property development aimed at increasing the City's return on the disposition of land.

Recommendations #9: The Division should consult with each of its clients in the preparation of its annual budget and establish estimated "service levels" for each client. The service levels would indicate the types of assistance clients expect to request from the Real Estate Division and the "cost" of that service. The costs of the estimated service levels should be expressed in terms of staff hours required to complete the work and the cost, to the Real Estate Division, of providing those professional services. Monthly or quarterly reports should be generated indicating the actual use the Real Estate Divisions' services.

Recommendation #10 The Real Estate Division should work with the Finance Department and the Human Resources Centre to develop policies and procedures to govern contracting out arrangements. The policies and procedures should enable the Real Estate Division to manage its workload peaks by contracting out specific projects or engaging contract employees for specified periods of time.

Recommendation #11: In the longer term, the Real Estate Division should consider the feasibility of introducing a system which would charge City clients for the services it provides. While this might be somewhat cumbersome to administer, it would ensure that clients give more thought to their requests and that they have budget approval of their own before engaging the services of the Real Estate Division. Among other things, this system would facilitate capitalization of real estate services costs.

Recommendation #12: The Real Estate Division should review the formula for determining fees charged to its clients with a view to having it reflect actual costs. It is likely that a systematic financial analysis will indicate that a fee factor in the 2.0 to 2.5 range would be more realistic than the current factor of 1.8. The analysis should take into account the cost of office "rent", financing costs, management costs and the cost of the services provided to the Real Estate Division by other units within the City.

2.4 LAND MANAGEMENT

The City has extensive real estate holdings (parks, office buildings, recreational facilities, fire stations, etc.) which support its various operations and services. It also owns many smaller pieces of land as a result of transactions such as road allowances and the 5% levies on developers. The following questions arose in connection with the management of the City's real assets:

- Where does the overall responsibility for the control and management of City real assets rests now and where should it be assigned to ensure that these assets are properly safeguarded?
- Does the City have information systems capable of supporting effective control and management of its real assets; and
- Does the City have appropriate policies governing its undeveloped or unused land?
- Does the City have a substantial inventory of real property which it does not need now, or in the future, for its operations?

While it appears that the City's real property holdings are managed reasonably well, there is concern that the responsibility for ensuring effective management has not been formally assigned to any one of the City's senior managers.

In essence, the Real Estate Division is not directly responsible for the effective management of the City's real property holdings. The Division's responsibilities relate only to the professional and effective management of specific transactions. It is not part of the Real Estate Division's mandate to ensure that the City utilizes its real property holdings effectively.

The Real Estate Division's primary function is to provide site location, appraisal, acquisition, demolition, and disposition services to various City and Regional units. While the Division sometimes "holds" property as an agent for its clients, it is never directly responsible for real property holdings. Once the real estate transactions for which the Real Estate Division is responsible are completed, the "file" passes to the Department for which the land has been acquired. Thus, the parks are considered to belong to Parks and Recreation. After the Real Estate Division has completed an acquisition it has no further responsibility for the land until it is called upon by the "owner" to dispose of the land or perform some other professional service.

While the Real Estate Division does not have formal responsibility for land management, it plays an important informal role in this area. Since the Real Estate Division acts regularly for most of the City's departments, it is familiar with the City's major land holdings, its future requirements and the general state of the real estate market in the region. When Real Estate Division staff see problems or opportunities they bring these to the attention of the "owner" departments. The Real Estate Division acted on this informal responsibility in the early 1980s when it took the initiative to review all of the City's holdings. The review led to the disposition of many pieces of unused land.

One of the factors which makes management of the City's real property holdings difficult is the absence of a real property information system. At present the only comprehensive listing of City properties is the tax roll which is cumbersome and difficult to access. Since each department is responsible for managing its own land, it is difficult to ascertain how well that land is being managed. It is also difficult to determine how much land there is, what its value is and whether it is really needed.

There is no formal process to review the City's land holdings periodically to determine the extent to which it is holding surplus land and the City cannot rely on any of its other procedures or processes to ensure that unneeded land is identified and disposed of. This problem is aggravated by the fact that there is no incentive for City departments to take initiatives to rationalize their own land holdings. It might be to a department's advantage to hold onto a piece of land for a number of years before gaining capital budget approval to improve the land.

In an attempt to determine whether a significant problem exists here, a sample of City holdings were selected from the tax rolls and reviewed to determine whether they were effectively utilized. While no major surplus properties were discovered, it did appear that at least a small part of the City's land holdings would be found redundant if a thorough review were conducted. As well, in some cases, it appeared that different departments held

closely adjacent pieces of land which might allow for some consolidation and further development or disposition of some current holdings.

The consultants also determined that the City does not have clear policies or guidelines defining the circumstances which would allow it to hold undeveloped land. In some cases departments hold undeveloped land for a year or two awaiting the implementation of a project which Council has approved. In other cases though, undeveloped land is held for many years in the anticipation that capital funds will be approved for development of that land.

In considering the implications of the land management issue, the question arises as to the consequences of holding unneeded land. Some argue that holding unneeded land is a sound investment strategy. Since land costs tend to appreciate ahead of inflation, and the cost of holding the land is often low, the City may be better off with a large surplus land holding which might be considered a "land bank." Others argue that since all land costs are expensed in the year in which they occur, land banking has the effect of having current taxpayers subsidize future ones. Purchasing land today affects the city's current expenditures; current tax payers see no benefit in the year they pay for the land and future taxpayers do not contribute to the cost when the land is put into use.

Whatever policy decision is taken on the merits of land banking, the City should not be engaged in land banking by default. If holding land for future use is determined to be a sound strategy, the Council should decide how much it wishes to invest and where the investment should be located.

The consultants concluded that while it appears that there is little surplus or misused land at present, there is no way to be assured of this. The City needs a systematic approach to managing and controlling its investment in real property.

Recommendation #13: Council should assign formal responsibility for control and management of the City's investment in real assets to the Real Estate Division.

Recommendation #14: The Real Estate Division should develop a land management information system to ensure sound management of the City's investment in real property. The information system should (i) identify land holdings by "user" department; (ii) enable analysis of city land holdings in specified areas; and (iii) identify the history of the land, its present use and proposed capital construction, if any. The system might also enable the Real Estate Division to maintain information on land transfer prices for both City and other land, which would make its appraisal functions more efficient, (see recommendation #4).

Recommendation #15: In the interim, (until it has a comprehensive system in place), the Real Estate Division should do regular reviews (perhaps every two or three years) of the City's land holdings.

Recommendation #16: The Real Estate Division should ensure that PARCIL will, eventually, provide an automated means of analyzing the City's real property assets. The Real Estate Division will have to take the initiative to ensure that its requirements are set out in specific terms and communicated clearly with PARCIL personnel.

Recommendation #17: The Real Estate Division should prepare an annual report to Council indicating all unused and undeveloped land. The report should indicate the intended use of the land and recommend what action, if any, is required to ensure effective management of the City's real property holdings.

2.5 IMPLEMENTATION

It should be emphasized that, on the whole, the consultants found the City's real estate services and real property function to be managed well and that there is not an urgent need to implement the proposals suggested above. Indeed, the Real Estate Division's current workload would make it difficult for the Division to turn its attention to these matters. Implementation of these changes should be scheduled over a period of time so as not to disrupt the central functions of the Division.

CHAPTER 3

ARCHITECTURE DIVISION

The Architecture Division has undergone significant change in the past few years. In 1987 the head of the City's Architecture Department left the City, a new Architecture Division was created within the Property Department and the staff of the City Architect's Department were reassigned to that Division. A new Manager was engaged to head the Division.

The audit process led to consideration of a number of issues related to the operations of the Architecture Division. Those which emerged as significant are discussed below under these general headings:

- functions;
- client relations;
- organization and staffing;
- productivity; and
- work load management.

3.1 FUNCTIONS

The Architecture Division is an internal service unit which provides professional services to City units and, to a limited extent, external clients such as the Non-Profit Housing Corporation. There are a number of different functions which the Architecture Division might serve within the City and on behalf of external clients. The main functions considered in the audit were:

- provision of comprehensive project management services for capital projects involving buildings;¹
- provision of advice on planning, design and management to City and external clients who manage capital projects on their own;
- development, monitoring and control of standards and procedures for the management of City capital projects;
- provision of architectural design services;
- provision of assistance in the design and management of facilities lay outs for City departments, primarily within the City Hall building; and
- planning and management of the City's facilities requirements.

Each of these functions is considered below.

Comprehensive Project Management - The Architecture Division's current role focuses on the provision of comprehensive project management services to City clients. This involves the Architecture Division at the initial stages of the project and retains, on behalf of its client, overall responsibility for coordinating and managing the project. The nature of project management differs with the nature and size of a capital project. Generally it involves a number of key elements which might include:

- **Project feasibility and concept study** - The project manager undertakes the project feasibility and concept study, which for major projects, would include development of the terms of reference, selection of a consultant and supervision of the study.

¹

In the remainder of this chapter the term "capital projects" is used to refer only to projects involving buildings.

- **Definition of facilities requirements and design criteria -** The project manager plays an active role in defining facilities requirements and the design criteria for major renovations or new buildings. This stage of the project can have a significant impact on the utility and cost of the structure which is eventually erected.

Generally, the City has not developed formal specifications, leaving the definition of requirements to the outside architectural consultants. While this may result in an adequate definition of requirements, a more thorough internal assessment is more likely to result in a space program which reflects the real needs of the end user. The Architecture Division's new emphasis on comprehensive project planning has resulted in the preparation of more formal facilities requirements statements. Clients have been pleased with the results and the Division feels that it has saved the City a considerable amount by ensuring that the buildings involved have been designed so as to meet client needs at the same time as minimizing capital and maintenance costs for the new facilities.

- **Cost estimates -** The project manager should ensure that cost estimates are as accurate as possible given the stage to which the building specifications and design have progressed. The services of an outside quantity surveyor or internal estimator is used to assist in the process. An accurate estimate at the outset may affect the project's design, Council's decision to proceed with the project and the likelihood of cost overruns at later stages.
- **Selection of the project consultants -** The project manager establishes and manages the process for selecting project consultants (usually architectural consultant) for the project. The process should ensure that the selected architect has the appropriate experience, staff strength and financial capacity to complete the project successfully.

- **Contract negotiation with project consultants** - The project manager specifies the terms under which the architect will be engaged and ensures that the contract protects the interests of the City.
- **Review project designs and ensure project complies with City guidelines and policies** - The project manager is responsible for managing the design and construction process to ensure that all relevant City guidelines and policies are respected. To avoid duplication of design services and avert liability, the project manager does not review the design in detail but verifies that end-user requirements are met and that other policies and guidelines are observed.
- **Manage the tendering process** - The project manager manages the tendering process to ensure that tender documents are complete and that the selection of a contractor complies with City guidelines and policies. The project manager will also advise on the capacity of contractors to fulfil their obligations.
- **Construction** - The project manager ensures that the consultants and contractor fulfil all responsibilities. The project consultant generally has the direct responsibility for inspection of the contractor's work.
- **Commissioning** - The project manager verifies that the building has been completed as contracted and advises the client as to when possession of the building may be taken from the contractor.
- **Warranty** - The project manager ensures that all warranty conditions are met.

Effective project management can make an enormous difference to the success, schedule and cost of a capital project. There is a clear need for the City to have internal project management expertise. The complexities, high costs, potential liabilities and public interest in capital projects makes it all too likely that an inexperienced project manager, even one

with professional qualifications, will encounter extraordinary difficulties in managing a sizable project.

The Architecture Division has been concentrating on developing its capabilities in the area of comprehensive project management and has taken on two new staff members with appropriate credentials and experience in this area. Clients within the City who have used the Architecture Division as project managers have generally been appreciative of the services provided and indicate that had they not used the Architecture Division, much more of their own staff's time would have been required.

Recommendation #18: The primary emphasis of the Architecture Division should continue to be comprehensive project management. The Division should continue to develop its capacity to serve City clients and expand its scope to include a larger number of external clients. In the longer term, once the Division has established its capacity to serve a larger client base, the Council should consider making it mandatory for City units to use the Architecture Divisions' project management services for major projects.

Periodic advice and assistance - City units which choose to manage capital projects on their own often need periodic advice and assistance. The Architecture Division has tended to avoid getting involved in projects where they are not providing full project management services. In part this is because they have only limited resources but it is also because this type of activity can be troublesome. In situations where the Architecture Division has been called upon to provide advice to clients who are managing capital projects with their own staff, their experience has been that this involves them only when difficult situations arise. They feel that in many cases, had they been involved from the outset, the problems would have been avoided and so there is a reluctance to take on a crisis created by someone else. Nevertheless, there is a need for project management expertise to support the City's capital projects on a periodic basis, particularly when those projects are faced with problems, and the Architecture Division should be encouraged to develop the capacity to do so.

Recommendation #19: The Architecture Division should actively seek to provide periodic advice and assistance to clients who manage capital projects on their own.

Capital Project Policies and Procedures - The Architecture Division is a service unit with no mandate or overall responsibility for ensuring that the City's building projects are managed effectively. The City's various departments may undertake capital projects independently of the Architecture Division and it is not within the Architecture Division's mandate to set guidelines for or monitor capital projects where the Division has not been asked to assist.

It seems that there may be some confusion, at the Council level and among the Architecture Division's clients, as to how far the responsibilities of the Architecture Division extend in this area. The Architecture Division is concerned that even when it has had no involvement with a capital project, some consider that it has been at fault when problems arise.

Aside from the general policies which apply to capital spending decisions and tendering there are few guidelines or procedures to govern how a department manages its capital projects. While it was not possible within the terms of reference for this audit to do a thorough review of the City's capital projects, it appears that the lack of guidelines has been a problem. There have been several instances where City staff who are inexperienced in capital project management have encountered difficulties in areas such as contracting of architectural consultants, poor definition of facilities requirements or large budget overruns.

The consultant considered the possibility that the Architecture Division take a more active role in ensuring that the City's capital projects are managed effectively. For instance, it might set out policies and guidelines to govern the activities of City units which manage their own capital projects. The City might also require that the Architecture Division be involved at key decision points related to capital projects. These might include:

- review of initial feasibility studies;
- review of the initial construction schedule and capital cost estimates;
- review of the definition of space requirements and the design guidelines set for major structures;
- review of the process established to select architectural consultants;
- review of the contract arrangements with the consultants;
- review of sketch designs;
- review of tender documents; and
- review of construction contract documents.

Taking on these functions would require that the Architecture Division formulate policies and monitor the activities of City units which undertook their own capital projects to ensure that policies are observed. Where City units did not follow the prescribed policies and guidelines, the Division would take steps to ensure that corrective action was taken. At first this might involve communication with the managers of the unit involved. If this did not resolve the situation, the Architecture Division could submit a formal report to a Capital Projects Committee which might be established for that purpose.

Adding this "control" function to a service unit such as the Architecture Division could present problems. Asking one unit to be both service provider and control mechanism creates a dual relationship with clients which may not always be comfortable. Among other things, it could cause friction between the Architecture Division and City units which have their own expertise in capital project management. Nevertheless, where disagreements do arise, the City's senior management team and committee structure will be the ultimate arbitrators. While there are drawbacks to combining the service and control roles, it works

elsewhere and the City is not large enough to have separate units. On balance, the consultants concluded that, as a **minimum**, the Architecture Division should be assigned overall responsibility for ensuring that the City's building projects are managed effectively.

Recommendation #20: The Architecture Division should be assigned responsibility for formulating policies and guidelines for the management of the City's building projects and monitoring projects to ensure that approved policies and guidelines are applied. The City might consider going one step further by introducing a policy which makes it mandatory that all City building projects be managed by the Architecture Division. Before doing this, however, it should consult with all department directors about the implications of such a policy and review the staff capacity of the Architecture Division.

Design Services - Until late in the 1980s, the City's architects performed internal design services for projects ranging from facilities lay outs to major building projects. The City encountered problems with having an internal "architectural firm" and decided to restrict the activities of the Architecture Division largely to capital project management.

This has proven to be a wise shift in emphasis. In fact it was unrealistic to expect a small in-house group of architects to be proficient in all of the areas where the City has design requirements. However, it may well be more economical for the City to have the capacity to do its own design work on small projects, particularly those where some knowledge of the City's present facilities is required. The Architecture Division's decision to discontinue design services to enable it to concentrate on its primary responsibilities is logical. However, in the longer run, it may be advisable to reconsider this decision.

Recommendation #21: The Architecture Division should consider the feasibility of establishing basic in-house design capabilities for office lay outs and small capital projects once its other functions are firmly established.

Facilities Management - There is a question as to how the City's facilities are managed. As in the case of land management and capital project management, there is no one unit which has overall responsibility for ensuring that the City's facilities are managed effectively. At present, each City department is responsible for managing its own facilities. This means that nobody below the level of CAO has responsibility for long term space planning or setting space standards which will ensure equitable and efficient work space for City employees.

The Property Department is involved in facilities management in a number of ways. The Director of the Property Division is consulted on capital spending questions related to City facilities and is often involved in major decisions related to office space allocations or renovations. The Manager of the Real Estate Division serves as Secretary to the committee which decides on space allocation. The Architecture Division is sometimes called upon to design office space lay outs and furnishing requirements and the Maintenance Division implements moves and renovations.

While it is not clear where overall responsibility for the use of the City's facilities should rest, this responsibility is often assigned to an organization's designers and capital project managers.

Recommendation #22: The Architecture Division should be assigned overall responsibility for long term space planning, setting space standards, allocation of space within shared facilities and specifying furniture and fixture requirements related to City facilities. The Architecture Division would be supervised in this area by the Property Department Director and report to an appropriate committee.

Summary - The review of the Architecture Division's functions set out above raises a number of issues related to role the Division should play and the relative emphasis it should place on various functions. It also suggests that the Division's organizational structure and staffing arrangements be reconsidered.

The present confusion as to the primary role and responsibilities of the Architecture Division and the fact that several of the functions required by the City are not in place, suggests that there is a need for a formal review of the Architecture Division's role and its relationships with its client groups.

Recommendation #23: An ad hoc committee should be struck to consider the role, primary functions, organizational structure and staffing requirements of the Architecture Division. The committee might have representation from the other Divisions in the Property Department, the Human Resources Centre, and the Finance Department. It is worth noting that if the Property Department's situation is typical, there may be a need for the City to review all departmental mandates, division objectives and senior manager job descriptions on a more regular basis.

3.2 HUMAN RESOURCES MANAGEMENT

Through 1988 and much of 1989, the Architecture Division had relatively low productivity and limited capacity to service its clients, for the most part because of its staffing situation. The Architecture Division has now succeeded in making staffing adjustments and additions which have enabled it to establish a core group of professionals and it is in the process of developing effective client relations and management systems.

The staffing changes took a considerable length of time, in large part because of the City's human resources management policies, practices and services did not facilitate correction of the problems faced by the Division. At the same time, improvements may have been achieved more quickly had the management of the Property Department and the Architecture Division focused more attention on this problem. It is also possible that lack of clarity as to the Division's role and primary responsibilities slowed the change process.

The consultants' interviews suggested that, in general, the City's managers often encounter problems in dealing with unsuitable personnel, at least in part because they lack skills in this

area. There is also little impetus to deal with the issue of staff productivity although the Performance Excellence Program, (PEP), initiative may assist managers to address this problem. It is beyond the scope of the present audit to address general problems in the City's human resources management. It is sufficient to note here that the question of how managers deal with productivity improvement as well as the specific problems created by unsuitable employees is one which the Council might find worthy of review.

3.3 CLIENT RELATIONS

The Architecture Division's clients are a diverse group in terms of the types of services they need and their capacities to manage building projects. Although the Division's staffing and productivity problems have inhibited it from meeting the requirements of some of its clients, in most cases those who were served have been pleased with the support they have received. In fact the Architecture Division has established strong relations with the clients it has been able to service in recent years.

The Architecture Division now faces the challenge of expanding its client base to achieve higher staff productivity. To do this it will first have to win back the trust and confidence of clients within the City. It can then go on to expand its base of external clients. The Architecture Division has started this process and there is every reason to believe that there will be sufficient work to keep its staff highly active.

As noted earlier, the Architecture Division has had little involvement with projects for which they did not have overall project management responsibility. The Architecture Division's decision to emphasize comprehensive project management services has been seen by some clients as too inflexible and this too has broadened the gap between the Architecture Division and its clients. Essentially, the Architecture Division is reluctant to assist clients who have initiated their own building projects. While it is true that assisting inexperienced project managers to deal with problems of their own creation can be a thankless job, there

is a need for this type of support and often the Architecture Division is the only group within the City capable of providing it.

3.4 PRODUCTIVITY

The arguments for having the internal capacity to manage building projects in a professional manner are similar to those made for having in-house capacity related to real estate. Without an internal unit with this expertise, City staff will have to engage and manage outside professionals. It would take City staff time to do this and, for those units which do not have their own expertise, there is the likelihood that City building projects will encounter problems related to inappropriate designs, structural defects, cost overruns or construction delays. A competent in-house unit can reduce the amount of City staff time required to manage capital projects and the likelihood that the City will encounter major problems in its capital projects.

The central question is whether the Architecture Division can manage its affairs so as to achieve a level of productivity high enough to bring costs below what the City would have to pay outsiders to deliver similar services. It was not possible to conduct a quantitative assessment of the productivity of the Architecture Division. The demands on the Division as well as its working environment make it sufficiently unique to make comparisons with similar groups misleading. Neither is it safe to use general rules of thumb based on private sector charges to gauge whether the productivity of the Division is what it should be. Perhaps more importantly, the basic data related to the time Architecture Division staff devote to specific projects is not available in a form which would facilitate analysis.

In general terms, a review of the staffing level of the Architecture Division as well as the projects undertaken over the last few years suggests that productivity has been low but that it has improved significantly in 1990. Nevertheless, the Division has further work to do to ensure that it is making the best use of its staff time.

Recommendation #24: The Architecture Division should complete the development of their system of general time standards for the work of the Division and introduce time budgets and control systems for all staff assignments.

3.5 WORKLOAD MANAGEMENT

As indicated in Section 2.2.3 of Chapter 2, ensuring an effective workload balance is a critical aspect of managing a service unit. This is particularly difficult where projects range in size from activities which may take a few days to those which require 12 to 18 person months of time over a 3 or 4 year period. It is also difficult for a service division to resist requests for services which maybe of low priority to the City.

Serving external clients introduces an additional complexity to client relations. The Architecture Division must service its "paying clients" in a way which will not interfere with its primary purpose - servicing the City clients. However, providing services to external clients benefits everyone. It makes the Architecture Division more cost effective and provides professional services to related organizations.

The Real Estate and Architecture Divisions have taken very different approaches to dealing with workload management. The Real Estate Division has taken on all reasonable requests and stretched its resources to the limit in an effort to meet its clients requirements. The Architecture Division has adopted the position that it will not take on projects which it can not execute well, and it has asked some of its clients to look elsewhere for project management services. This has allowed the Architecture Division to avoid some difficult situations, but this approach may make it more difficult to regain the trust and confidence of its clients now that the Division's capacity has increased.

The Architecture Division, with the assistance of Department management as well as the support of Senior City management, will have to develop mechanisms to ensure that its work

load is balanced and that its scarce resources are focused on those activities which will be of greatest benefit to the City.

Recommendation #25: The Architecture Division should implement a project management system which will facilitate effective management of its staff resources. The system could build on the system which the Manager has already developed and utilized to a limited extent. The components of the system should include: (i) time budgets indicating the time each staff member is expected to devote to each project; (ii) time sheets for all staff indicating the time actually devoted to projects; and (iii) project time summaries for monitoring staff time devoted to projects. The system should provide the basic data required to develop the time standards suggested in recommendation #24.

Recommendation #26: The Division should meet with all of its clients during budget preparation to determine the likely demands on its time. The Division's budget submission should include an estimate of the time it will devote to each of its clients during the forthcoming year and an analysis of the cost of providing services to each of its clients. Actual time and costs required to serve each client during the year should be monitored.

Recommendation #27: Where Architecture Division costs are to be capitalized as part of overall construction costs, the capitalized amount should be based on the actual staff time and other costs devoted to the project. This would, in effect, require that the Divisions deal with City clients as if they were external clients, in cases where project management costs are to be capitalized.

Recommendation #28: The Architecture Division should review the formula for determining fees charged to its clients with a view to having it reflect actual costs. It is likely that a systematic financial analysis will indicate that a fee mark-up factor in the 2.0 to 2.5 range would be more realistic than the current practice of charging actual wage costs. The analysis should take into account the cost of office "rent", financing costs, management costs and the cost of the services provided to the Architecture Division by other units within the City.

CHAPTER 4

DEPARTMENTAL MANAGEMENT

This Chapter considers briefly the role of Department level management in ensuring the effective operation of the two Divisions which were the subject of this audit. The Management of the Department is the responsibility of the Director who has the support of the three Division Managers as well as part of the time of a senior secretary (part of the Secretary's time is devoted to Real Estate Division work).

The Division Director carries a heavy work load and a broad range of responsibilities. Much of his time is devoted to senior management functions and participation on various committees and task forces which take him away from the Department. He also continues to carry a few of the more complex Real Estate Division files which take a considerable portion of his time. Part of his time is also devoted to providing advice and assistance to the managers and staff of the three Division in the Department and representing those Divisions at higher levels in the City. The director is also responsible for managing the City's interest in the Lloyd D. Jackson Square which takes a significant amount of time each year. The Director demands a lot of himself and expects his staff to work hard in support of the Department and the City. He puts in a substantial number of overtime hours and he is particularly concerned about keeping costs to a minimum.

Recommendation #29: The Department's Director should endeavour to reduce the amount of time devoted to work on Real Estate Division files. Clearly the Director makes an important contribution to the operations of the Real Estate Division and it would be difficult for him to reduce his work in that area at a time when workload pressures are so heavy, but in the longer run, the Director should attempt to restrict his role to advising on difficult issues. This would require that Real Estate Division staff be expanded and free up the Director's time for senior management and Departmental management activities.

For the most part the three Divisions are managed independently with each Manager drawing on the advice and guidance of the Director periodically as required. Although the staff of the three Divisions cooperate with respect to particular projects or client problems, there is little in the way of joint planning, shared staff or common systems which hold them together.

The audit considered the role of Department management in ensuring the effective operation of the Divisions and the possibility that economies could be gained by having the three Divisions within the Department share staff, systems or procedures.

Recommendation #30: The Property Department should consider establishing a small administrative and systems unit to take on support activities and functions common to the three Divisions. The administrative unit might take on secretarial, word processing, reception, systems and accounting activities which would be shared by the three Divisions. The person years required for this function might be gained by transferring staff allocations from the Divisions. The Director's office could take on the responsibility for establishing and managing the various systems required to ensure effective project and time management suggested earlier in this report. The unit might also assist in coordinating Division activities include planning and budgeting, client liaison and filing systems.

FINAL REPORT

COMPREHENSIVE AUDIT

of the

PROPERTY MAINTENANCE DIVISION

*Prepared for submission to
the Comprehensive Audit Committee*

Pannell, Kerr, MacGillivray
January 24, 1991

Preamble

The comprehensive audit of the Property Maintenance Division was initiated late in 1988 and a draft report was submitted in April of 1989. The Steering Committee for the comprehensive audit met to consider the draft report and the management of the Property Department and Property Maintenance Division reviewed the draft in some detail and prepared a memorandum containing their comments.

In preparing this Final Report the consultants conducted a brief review of the Property Maintenance Division and considered the comments made by the Property Department management on the draft report. It should be noted, however, that the analysis upon which the report is based was completed some 20 months ago and so the descriptions and data it contains may be dated.

Since the submission of the draft report in April, 1989, the Property Maintenance Division has followed up on a number of suggestions contained in the draft and taken its own initiatives to institute changes which have contributed to the Division's effectiveness. Initiatives include:

- development of a more detailed system for evaluating the quality of cleaning and caretaking through the use of checklists and written status reports;
- implementation of a system which makes more effective use of resources by assigning staff to more than one facility where workloads allow;
- compilation of the square footage measurements of cleanable space in 22 primary facilities;
- manual updating of technical data sheets on all major facilities and equipment;
- review of optimal janitorial staffing levels in the City's 22 primary facilities;

- enhanced cleaning supplies inventory control at the 22 primary facilities;
- review of job related tasks of cleaners and development of updated written instructions for each of the 22 primary facilities; and
- increased involvement of Property Maintenance management and supervisory staff in training courses and seminars.

The Division has indicated its intent to pursue other matters discussed in the report as soon as resources and management time are available to do so.

January 24, 1991

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1.0 INTRODUCTION

The review of the Property Maintenance Division was started in December, 1988. The main purpose of the audit were:

- to review the effectiveness of the Division of property maintenance in delivering services for which it is responsible; and
- to recommend ways to reduce the cost of service delivery or improve the quality of service without incurring additional costs.

The review focused upon the internal operations of the Property Maintenance Division. The recommendations reflect the limited perspective which is characteristic of the review of one division within a larger department and organization. The elements of departmental effectiveness which the reviewer examined include:

- management direction;
- relevance of key activities;
- appropriateness of structure and process;
- achievement of intended results;
- acceptance by constituencies;
- secondary impacts;
- costs and productivity;
- financial results;
- working environment;
- protection of assets; and
- monitoring and reporting.

Interviews were conducted with employees of the Division, the Property Department, other city employees, private sectors experts in various aspects of property maintenance, and employees of other cities with responsibilities for property maintenance. The names and titles of the interviewees appear in Appendix I. Key documents concerning the Division's objectives, activities, results, and systems were also examined.

This report is divided in the following three sections:

- the Property Maintenance Division;
- cleaning and caretaking; and
- repairs and maintenance.

In each of the above, there are three sub-sections:

- **observations** - a brief description of the purpose and structure;
- **findings** - specific findings relevant to the effectiveness of the organization; and
- **recommendations** - recommendations for improving effectiveness and/or saving public monies.

2.0 THE PROPERTY MAINTENANCE DIVISION

2.1 Observations

The Property Maintenance Division provides maintenance services to about 200 civic and regional buildings. It also provides the cleaning and caretaking services for about 22 of these buildings.

The Division employs 69 cleaners and caretakers, 3 supervisors of cleaning and caretaking, approximately 8 maintenance staff (this number increases or decreases depending on need), 1 maintenance co-ordinator and 3 office staff--all of whom report to an assistant manager and a manager of property maintenance.

In addition, the contract security service as well as a large number of maintenance contractors (e.g., electrical repair, refrigeration, control systems, elevator servicing) report to the manager of this Division.

The budget for this Division was \$5.2 million in 1988. It charges back its services to some building tenants (e.g., regional government) and is charged for services rendered by other city departments (e.g., Central Utilities does its boiler repairs at City Hall).

2.2 Findings

When the information for the report was collected in late 1988, the Manager had been in this Division for four years--three years as an Assistant Manager and one as Manager. The Assistant Manager arrived here from Oakville only three months ago, and the Maintenance Coordinator who reports to him started two months ago.

Both the Manager and the Assistant Manager have had many years of experience in the maintenance and repair fields, but they both lack formal training in property management and are not members of the professional associations in this field.

The consultants observed that no calculations of the number of usable square feet in the buildings being serviced were available. This suggests that standard measures of efficiency and effectiveness are not considered in the preparation of annual budgets. While budgets must take into account a number of different factors and reflect previous experience, external standards provide a set of benchmarks which may indicate problem areas or opportunities for cost savings. Private sector property managers and growing numbers of public sector managers rely heavily on industry standards in the preparation of annual budgets, although historical data is also taken into account.

For purposes of this review, the amount of usable space in the city hall building and the health complex building was determined. The number of square feet in these two buildings were calculated by the cleaning supervisors. To verify these figures, a secondary check was made of the size of the floors calculated by the property department to charge the regional government for its use of space in the City Hall and the Canadian Mental Health Association for the space it uses in the Health Centre. The figures only varied to the extent that there may have been some minor differences in the measuring of washroom space or some minor corridor space.

The yearly cost for operations and maintenance for each building were then calculated for each of several standard cost categories. These figures were compared to the average costs incurred in buildings of similar sizes operated by government and by the private sector in Canada.

As the figures below indicate, the costs of operating Hamilton city buildings appears to be higher than average. There may be a variety of reasons for this: the nature of the space

being cleaned, the fact that overcrowding exists in some City facilities, the standards applied to public spaces, wage rates, union arrangements, the extensive after hours use, accounting practices which include non standard items, etc. However, the fact that costs are above average suggests that the Property Maintenance Division should be aware of what industry standards are and why the City may vary from those standards. Variance from industry standards may also indicate areas where cost saving opportunities may be found.

Operating and Maintenance Costs Per Square Foot

BUILDINGS	CLEANING AND CARETAKING	REPAIRS AND MAINTENANCE	UTILITIES	ROADS, GRNDS & SECURITY	ADMIN.	OPER. COST PER SQ. FT.	NO. OF BUILDINGS
HAMILTON CITY HALL	\$2.50	\$1.48	\$1.28	\$0.56	\$0.06	\$5.87	1
HAMILTON HEALTH BUILDING	\$4.44	\$0.74	\$1.43	\$0.28	\$0.03	\$6.93	1
GOVERNMENT OF CANADA	\$0.71	\$1.38	\$1.20	\$0.08	\$0.08	\$3.39	8
CITY OF PETERBOROUGH	\$0.73	\$1.78	\$1.39	\$0.28	\$0.00	\$4.06	3
CITY OF TORONTO	\$0.84	\$1.21	\$1.16	\$0.47	\$0.20	\$3.75	10
TORONTO PRIVATE SECTOR	\$1.09	\$1.09	\$2.14	\$0.42	\$0.63	\$5.38	7
OTTAWA PRIVATE SECTOR	\$0.63	\$0.69	\$1.38	\$0.09	\$0.50	\$3.18	9

The last column on the preceding table indicates the number of buildings involved in calculating the average (i.e., median) costs per square foot. These represent 1987 figures and the Hamilton figures are taken from the 1988 budget. The comparisons in the table here are with buildings of between 100,000 and 300,000 square feet (Hamilton City Hall is 152,875 square feet). The Hamilton Health Building is only 17,190 square feet so the figures are not directly comparable. However, they are not very different. For example, four Canadian government buildings located in suburban Toronto, and averaging 22,000 square feet each in size, have total operating expenses of \$3.88 per square foot. This is 1.2 times higher than the \$3.39 per square foot which the government pays to operate buildings

of between 100,000 and 300,000 square feet (see row 3 in the table above). The Health Building, in contrast, is 2.0 times higher in cost.

Detailed breakdowns for the O & M costs of the City Hall and the Health Building and of the comparison buildings are in Appendix II and Appendix III (e.g., elevator servicing is \$0.24 per square foot for City Hall and ranges from \$0.04 to \$0.12 per square foot for the Government of Canada buildings). Note that the figures for comparison buildings which are presented in Appendix III, present not only the average costs per square foot, but also the low and high end of the middle 50% of the distribution. This helps the reader gain some appreciation of the range of variability in responses (e.g., of 8 Canadian government buildings, the high and low end of the cleaning costs for the four buildings in the middle of the cost distribution were, respectively, 88 cents a square foot and 42 cents a square foot). A further explanation of these statistics is in Appendix III.

The issue is not so much that the operating costs for the Hamilton city buildings seem a bit higher than the industry standard (there may be a number of good explanations for this) but that figures such as these have not been used in the past as a management tool to either justify current expenditures or pinpoint the need for areas of investigation.

One may wish to assume that precise comparative data must be available (e.g., a sample of City Halls of approximately the same height and age as the one in Hamilton) before any solid conclusions can be drawn about the figures presented in this section. This may be an exercise the Manager of the Property Maintenance Division may wish to pursue. As a starting point, however, it would seem reasonable to arrange for a review of the BOMA Experience Exchange Report produced by the Building Owners and Managers Association International. In 1987, this report presented income and expense data from over 4,000 office buildings throughout the United States and Canada. Of course, the standard statistical breakdowns of location, height, age, ownership, agency management, type of heating and size are included in the report. Additional data analyses can be requested from

the publishers. However, these finer levels of analysis may be most accurately done by having city employees collect data from other cities.

2.3 Recommendations

- The Manager of Property Maintenance should review, with an appropriately qualified city engineer, the need to undertake a systematic annual review of the need for, and the quality of, services being delivered under contract in highly technical areas, such as elevators and electrical control systems.
- The Manager of Property Maintenance should implement a system for evaluating the quality of cleaning and caretaking work, review costs in light of industry standards, and develop options for reducing costs to be discussed with the Director of the Property Department.
- The Manager of Property Maintenance should use industry standards to reassess his current budgets for repairs and maintenance and prepare variance reports to justify and/or correct significant deviations;
- The managers in this Division should be encouraged to join the appropriate professional associations and to maintain contacts with their counterparts in other cities to exchange information about costs, techniques, products and contractors in this field.

3.0 THE CLEANING AND CARETAKING UNIT

3.1 Observations

This unit provides cleaning and caretaking services for 22 civic buildings. In addition to ensuring a clean and attractive workplace for city employees and members of the public, they operate a preventive maintenance program to reduce the rate of wear and tear on building premises.

Thirty-three caretakers and thirty-two part-time cleaners are supervised by a day Supervisor and a night Supervisor. These shift Supervisors report to the Supervisor of Cleaners. This team services 22 buildings.

The caretakers work 38 3/4 hours at \$11.17 an hour, plus \$0.45 an hour for afternoon or weekend work. The cleaners work 17 1/2 hours per week at \$8.53 an hour. The total salary and wages in 1988 for all non-supervisory workers in this unit was \$1,009,597. With benefits at approximately 16%, the total is \$1,171,133.

They use about 35 vacuums and 30 buffers. This equipment is old and is now in the process of replacement at a rate of one or two units a year.

The value of cleaning supplies used in 1988 totalled about \$50,540.

In addition to cleaning premises used by the city, they provide cleaning services to the regional government and to other organizations which rent space from the city, such as the Canadian Mental Health Association.

They do not clean all city buildings. For example, the Board of Education is contracted by the city to clean nine recreation centres. Culture and Recreation handles some of the

part-time caretaking and cleaning in the smaller rinks. Depending upon the time of year, they may also do this in conjunction with assistance from the Cleaning and Caretaking Unit. Five of the historic sites are also cleaned directly by Culture and Recreation or by contractors which they engage. Some private-sector firms are engaged directly to do the cleaning of city buildings (e.g., Federated Cleaners does Copps Coliseum and Metropolitan Cleaners does the Hamilton Public Library).

3.2 Findings

Overall, there appears to be room for improvement in the management of the cleaning services unit. Comparisons of efficiency measures used in this business indicate that costs are higher on average than one would find in other municipal or federal government buildings. Also, management techniques or systems which are commonplace in this industry are not in use in this unit.

This is not to suggest that the supervisors of this unit have not been conscientious; they have followed much the same management practices as their predecessors. They have generally worked their way up through the system as cleaners or caretakers and have learned their management skills on the job. They have no budget for professional development and have no explicit job responsibility to seek out information from other municipalities or from the private sector regarding costs and management practices.

They are responsible for motivating and directing a large number of employees whose skills and job status are sometimes not respected by other city employees. This situation can present a significant challenge to any manager.

The findings which are favourable include:

- the cleaning unit operates within its budget and receives few complaints about the quality of service being provided;

- the supervisors have considerable credibility with their staff, having worked their way up through this business from entry level positions;
- staff turnover is not as high as that experienced in the private sector; and
- supervisors are conscientious and flexible.

Our concerns are as follows:

- common standards of performance which are widely used in the cleaning industry are not used by any of the three supervisors;
- the per square foot cleaning cost in the two buildings sampled for this study was 3 times higher, in one case, and almost 7 times higher, in the second case, than the average costs for cleaning for a sample of 21 government buildings;
- industry standards for light cleaning in offices range from 3500 to 4000 square feet per hour; but in one building, Hamilton city cleaners do 2250 sq. ft./hour and in the other they clean 1100 sq. ft./hour;
- much of the equipment is over ten years old. There are no systematic plans for replacement based on repair records or age and no serious consideration of the cost savings or quality of improved service which can be achieved through the purchase of new high speed buffers;
- supplies are renewed in each building on a request-from-caretaker basis and are renewed in the main cleaning supplies storeroom as they run low. Journal entries by supervisors document where supplies are distributed; but no monthly accounting is kept of usage by building, and no accounting is kept, or policies set, for inventory levels in either the buildings or the cleaning supplies storeroom;
- supervisors have no system, plan, or checklist to ensure that cleaning which must be done more than once daily (e.g., City Hall restrooms) or less than once daily (e.g., light fixtures) actually occurs when needed. Such plans are industry standards;

- supervision forms to document the date of visits by supervisors and the quality of cleaning work done in specific areas are not useful as management tools because they are too general and are not always completed on a regular basis;
- the supervisor of cleaners does not set and monitor specific standards for the shift supervisors regarding buildings visited per shift or work quality measures.

3.3 Recommendations

The efficiency of the Cleaning and Caretaking Unit appears to be below industry standards. While there may be valid reasons for this variance from industry standards, it warrants serious review. Our preliminary look suggests that improvements in management practices and information systems should be a priority.

The analysis indicated that the average staff square foot coverage is low and this suggests that cleaning standards may be too high or there may be an element of overstaffing. As an example, industry standards of "feet cleaned per hour" indicate that the staff at city hall are working at a 55% efficiency level. If the City Hall could be cleaned by 12 workers instead of 22, the savings in salary each year would be approximately \$93,000 (assuming \$8.53/hr., plus \$1.36 in benefits).

Reducing the number of City Hall caretakers by half would save another \$50,000 per year in this one building. While some of the buildings require a full-time caretaker during the day, one might also look at the possibility of assigning one person to handle two or more buildings. This is now being done in just one case. Of course, staff reductions through attrition or cuts or contracting out are not the only solutions. With better supervision, for example, a much higher standard of cleaning could be achieved with the same number of staff, or the caretakers job could be enriched by having them take on other responsibilities for the maintenance unit. This unit should:

- create a basis for industry comparisons by documenting the basic units of measurement (e.g., square feet of floor, type of floor cover, number and size of washrooms, corridor usage) for estimating time and cost of service;
- collect information from other cities regarding the time and effort needed for special-use properties, like arenas;
- set performance objectives in terms of cost and area cleaned based on industry standards and information collected from other cities;
- develop a system for documenting the critical factors for each significant piece of equipment, such as location, age, repair record, probable date for replacement, and time and cost advantages of purchasing more technologically advanced equipment;
- develop a human resource management plan which identifies ideal staffing levels and which is reflected in future hiring or contracting practices;
- develop an inventory control system to record supplies on hand, time cushion for replenishment, and usage rates by building;
- prepare checklists of activities, schedules of work, or procedures for cleaning and caretaking work in each building and collect regular status reports from the day and afternoon supervisors; and
- implement an evaluation system to ascertain client perceptions as to the quality of cleaning and caretaking on a regular (perhaps every 6 months) basis.

4.0 REPAIRS AND MAINTENANCE UNIT

4.1 Observations

This unit operates a preventive maintenance program, advises on maintenance requirements, and provides 24-hour maintenance services to about 200 civic and regional buildings. In addition, the unit carries out renovations to buildings as required.

The unit consists of eight individuals (not including office staff) who report to the Assistant Manager and the Manager of the Property Maintenance Division. Four individuals--three maintenance men and one labourer--are full-time city employees. The other four--two carpenters, one plumber and one painter--work full time but are contract workers. Depending upon the work load, additions or cuts to these contract workers can be made on short notice.

The tradesmen on contract receive about \$24 an hour, including benefits. The city employees receive about \$22 an hour, including benefits. There are minor variations due to differences in job designation, job functions and union rates for the trades. The total tradesmen wage budget for these workers in 1988 was approximately \$576,177.

Much of the maintenance work is done by contracting with private sector firms. For example, there are contracts for servicing electrical equipment, fire equipment, elevators, refrigeration, and air conditioning. The total value of such contracts in 1988 was approximately \$520,000, including utilities.

In addition, there are numerous contractors who undertake small maintenance and repair jobs when the regular staff are too busy. There is one contractor, for example, who undertakes much of the emergency repairs of steps on city buildings. The total value of such payments in 1988 was approximately \$350,000.

Other maintenance work is undertaken by other municipal departments and charged back to this department. For example, the central utilities plant staff handle the City Hall boiler room inspections, and Maintenance and Public Works does the grounds maintenance. The total value of these charge backs in 1988 was approximately \$169,230.

4.2 Findings

The operations and maintenance costs for buildings are a function of such factors as structural aspects, location, design--and the efficiency and effectiveness of repair and maintenance services. Although the costs of operations and maintenance for two key Hamilton buildings are higher than the average figures presented in the recent Building Owners and Managers Association report, it is difficult to determine whether this is due to the operations of the Division or other factors.

It is always difficult in comparing O & M costs against standards to determine whether one is comparing apples and apples or apples and oranges. The detailed study which would be required by the review team to ensure that all statistics could or could not be accepted at face value would be out of proportion to the potential savings. Therefore, the statistics are merely presented with the understanding that it will be management's role to either work at reducing costs to standard, or to justify why the nature of the buildings, the standards of service desired, or other factors beyond his control do not permit further cost reductions.

In terms of positive findings, it was noted that:

- the procedure of assigning job numbers and recording time and expenses against particular jobs and buildings provides useful records of the application of resources and the types of work done;
- the absenteeism rate among the tradesmen is extremely low;

- keeping tradespeople on contract provides the flexibility for the department to occasionally undertake major renovations or deal with major maintenance breakdowns without having to carry a large salary overhead during times of low service demands;
- all job assignments are routed through the Manager or the Assistant Manager, but office staff are given the authority to assign staff to deal with emergency projects when the managers are not available;
- office staff are sufficiently familiar with the work of the department that they can pre-screen all invoices for time and expenses to determine if the charges are reasonable;
- all invoices are currently reviewed by the Manager of the Division before being processed for payment; and
- meetings are held between the Director of the Property Department and the Manager of the Property Maintenance Division about every two weeks before Council meetings to review key projects.

Some of the areas for concern are:

- managers are kept so busy dealing with crises that they have almost no time to systematically supervise their foremen or the jobs in progress;
- the official list of about 2000 jobs per year is unofficially estimated by the manager to be approximately 4000 jobs, but the present information systems do not permit easy access to information about costs, time or duties associated with these extra jobs;
- there are poor or no controls on the materials inventory maintained by the Division, either on the trucks or at the office;
- all standard measures of efficiency in the property management field are calculated on a square-foot basis. No one in this Division has calculated the square-footage of the buildings they

maintain or is a member of a professional association which can provide comparative cost figures;

- the managers of this Division are not in touch with provincial ministry experts or other municipalities concerning measures of cost efficiency or the organization of maintenance and repair services for special cases such as arenas and recreation centres; and
- the job training plans for the new assistant manager and the new maintenance coordinator were still ad-hoc several months after their employment.

4.3 Recommendations

- Improve the job record information system to enable easy access to information about the amount and type of work and expenses incurred for maintenance and repairs on each major city building or facility.
- Keep a record of management spot-checks of the actual need for repairs which are ordered by telephone, the expenses incurred by workmen, the time recorded and the quality of work done.
- Ensure that there is a check list for what to ask about, what to watch for and what should be done on each of the major maintenance contracts. This information will be part of the log kept on each major piece of equipment. It will be used for supervisory purposes and to train new staff.
- Maintenance management requires special skills and knowledge which are too complex to acquire by on-the-job exposure. The new Assistant Manager and Maintenance Co-ordinator should attend training courses to assist them in keeping up with the developments in their field.
- Management should be encouraged to initiate and maintain communications with other cities to collect and document comparative information on contractor management, equipment breakdowns, and servicing costs and policies for any major cost item (e.g., refrigeration).

APPENDIX I

LIST OF NAMES AND TITLES OF INTERVIEWEES

LIST OF NAMES AND TITLES OF INTERVIEWEES

NAME	TITLE
Robert Swan	Manager, Property Maintenance Division
Ivan Carter	Assistant Manager, Property Maintenance Division
Mona Long	Office Manager, Property Maintenance Division
Linda Ames	Stenographer 2, Property Maintenance Division
Lorraine Campbell	Clerk Typist 2, Property Maintenance Division
Mathew Repasi	Supervisor of Cleaners, Property Maintenance Division
Don Pearson	Supervisor of Cleaners II, Property Maintenance Division
Joan Orford	Supervisor of Cleaners II, Property Maintenance Division
Fred Eckenrath	Maintenance Co-ordinator, Property Maintenance Division
John Avery	Assistant to Manager, Purchasing Division
Tom Bradley	Manager, Purchasing Division
Roy Hamel	Manager of Budgets, Finance Division
John Crane	Director, Copps Coliseum, Hamilton Entertainment and Co-invention Facilities Inc.
Bill Fletcher	Cleaning Supervisor, Copps Coliseum, Hamilton Entertainment and Co-invention Facilities Inc.
Michael Watson	Manager, Real Estate Division
Lou Sage	Chief Administrative Officer, Chief Administrator Officer's Office
John Drain	Purchasing Manager. City of Ottawa and Ottawa Region

Bill Andrews	Contracts Management, Purchasing Department, City of Ottawa
Ernie Seguin	Manager, Building and Engineering Maintenance Department, City of Ottawa
Brant Edwards	Purchasing, City of London
Mike Cousins	Property Manager, Nova Scotia Bank Building, Toronto
Mike Horgan	Hurley Brothers Cleaners, Toronto
Dave McCoy	Hurley Brothers Cleaners, Hamilton
Henry Levinsky	Supervisor, Columbia Building Maintenance, Toronto
Frank Wynia	Manager of Cleaning Contractors, Camp Borden, Ontario
John Keys	Modern Building Cleaners, Ottawa
Mike Watt	Modern Building Cleaners, Ottawa
Lee Sams	Manager, Metropolitan Cleaners, Hamilton

APPENDIX II

OPERATIONS AND MAINTENANCE COSTS:

CITY HALL AND HEALTH BUILDING

CITY HALL (1988)

152,875 square feet

EXPENSE

COST/SQ. FT.

Cleaning

Salaries, wages & benefits (1.0 supervisor)	\$348,065	
Cleaning supplies	17,670	
Window cleaning	14,210	
Pest control (garbage/pest)	1,620	
TOTAL	\$381,565	\$2.50

Repair/Maintenance

Operating supplies	\$ 5,750	
Small tools/accessories	3,930	
Repairs/Main. - boiler room	35,900	
Repairs/Main - building	46,800	
Repairs/Main - contracts	25,820	
(Honeywell, clocks, fire alarms, lighting, info desk)		
Repairs/Main - electrical equipment	10,000	
Servicing - fire equipment	1,060	
Repairs/Main - electrical (non-contract)	10,800	
Repairs/Main - other (elevator)	36,550	

EXPENSE

COST/SQ. FT.

Repairs (con't)

Paint interior/exterior	\$ 10,000	
Repairs (concrete walls, west forecourt)	20,000	
Re-upholster furniture	2,000	
Replace 4 vacuums	1,800	
Roof Maintenance	8,000	
Other Maintenance	7,150	
TOTAL	\$225,560	\$1.48

Utilities

Water rates & sewer surcharges	\$ 24,170	
Fuel	171,290	
TOTAL	\$195,460	\$1.28

Roads, Gardens, Security

Security (City Hall, ADT Security)	\$ 37,540	
Xmas light standards/lights	1,000	
Repairs/grounds, indoor plants	47,250	
TOTAL	\$ 85,790	\$0.56

EXPENSE

COST/SQ. FT.

Administrative

Office supplies/stationary	\$ 430	
Payroll (10% one supervisor)	4,472	
Uniforms, clothing, accessories	310	
Insurance	2,000	
Rental - car pool (10% of \$14,040)	1,404	
Rental - pagers (1 of 8 pagers)	239	
 TOTAL	 \$ 8,855	 \$0.06
 TOTAL CITY HALL	 \$ 897,230*	 \$5.87

*The figure which appears in the 1988 budget is considerably higher because it includes the expense of the telephone exchange, all supervisors in the Division, rental cars and pagers. All adjustments to the budget figures for this analysis were verified by the Manager of Property Maintenance. He also provided the figures for expenditures on external contractors in section 7.1.

HEALTH BUILDING (1988)

17,190 square feet

EXPENSES CATEGORY

COST/SQ. FT.

Cleaning

Salaries, Wages & Benefits (no supervisors)*	\$71,050	
Cleaning Supplies	3,130	
Pest Control	70	
Window Cleaning	2,130	
TOTAL	\$76,380	\$4.44

Repair/Maintenance

Building	\$ 8,950	
Contracts (Honeywell Refrigeration)	3,770	
TOTAL	\$12,720	\$0.74

Utilities

Water Rates & Sewer Surcharge	\$ 740	
Light & Power	12,140	
Fuel	11,750	
TOTAL	\$24,630	\$1.43

*This is a very conservative position. Some supervision and administration time is obviously required since there is not even a lead hand or foreman on site.

EXPENSE		COST/SQ. FT.
Roads, Gardens, Security		
Repair - grounds	\$ 3,030	
Install Security Screens	1,800	
TOTAL	\$ 4,830	\$0.28
Administrative		
Operating Supplies	\$ 260	
Insurance	240	
TOTAL	\$ 500	\$0.03
TOTAL HEALTH BUILDING	\$119,060	\$6.93

APPENDIX III

EXAMPLES OF INDUSTRY STANDARDS

The material in this appendix is from the 1987-BOMA Experience Exchange Report. This report was purchased for Hamilton by a city employee, John Crane, who is a member of the Building Owners and Managers Association International.

Overview of the 1987 Experience Exchange Report Survey Data

The 1987 Experience Exchange Report (EER) includes data for over 4,000 office buildings located throughout North America. This sample includes 3,246 U.S. private sector properties, 423 government office buildings in the United States, 140 privately held Canadian properties, and 167 government buildings in Canada (Table 1). In total, this sample covers over 700 million square feet of office space in North America.

DATABASE SOURCES: 1987 EXPERIENCE EXCHANGE REPORT (Data for Calendar Year 1986)

	Buildings	Sq. Ft. (000's)
U.S. Private		
Downtown	1,378	375,245
Suburban	1,860	174,723
Total	3,246	550,647
Canada Private		
Downtown	123	34,249
Suburban	17	3,569
Total	140	37,818
U.S. Government		
Downtown	396	81,082
Suburban	28	4,184
Total	423	85,756
Canada Government		
Downtown	133	22,437
Suburban	33	5,153
Total	167	27,590
TOTAL	4,008	701,811

The Totals include rural buildings so that they may exceed the sum of Downtown and Suburban values.

Table 1

The Experience Exchange Report survey includes a large number of smaller office buildings this year. Approximately 25% of the buildings reported are smaller than 50,000 square feet. Nevertheless, the survey also includes data for more buildings over 50,000 square feet than in any previous year.

The survey process solicited responses from many property managers throughout many North American cities, and 130 cities are represented this year by three or more properties. Buildings included in this survey are not all owned or managed by members of BOMA. Yet, the responses, because they are voluntary, probably reflect the experience of the more efficiently managed office properties in the United States and Canada. For every property included in the statistical tables, over 75% of the rentable space is allocated to office type activities, and the property maintained an average occupancy level for the year greater than 75%.

The data also suggest that the typical U.S. private sector respondent to the 1987 EER achieved a higher degree of success in raising rents and holding down costs than did all office property managers reporting in the 1986 EER (Table 2). This control group is restricted to those respondents who reported results for the same buildings for both 1985 and 1986, so that the results reflect a controlled sample in which the effects of shifts in respondent characteristics from 1985 to 1986 have been minimized.

COMPARISON OF ALL RESPONDENTS WITH A CONTROL SAMPLE

U.S. Private Sector (Percent change, 1985-1986)

All respondents: 3,246 Buildings, 550 mil. sf
Control respondents: 1,263 Buildings, 288 mil. sf

	All Respondents	Control Group
Average rent increase	7.2%	2.9%
Average total expense increase	-1.8%	4.3%

CANADA Private Sector (Percent change, 1985-1986)

All respondents: 140 Buildings, 38 mil. sf
Control respondents: 86 Buildings, 21 mil. sf

	All Respondents	Control Group
Average rent increase	1.0%	4.5%
Average total expense increase	15.4%	-3.1%

Table 2

EXPLANATION OF THE MEDIAN AND THE LOW AND HIGH MID-RANGE

Building	Square Feet	\$ Expense	Average/Sq. Ft.	
1	134,000	\$ 73,700	\$.55	
2	79,000	\$ 53,720	\$.68	
3	280,000	\$ 235,200	\$.84	
4	121,000	\$ 110,110	\$.91	
5 MEDIAN	590,000	\$ 566,400	\$.96	96
6 THE HALFWAY	91,000	\$ 92,820	\$1.02	- 1.02
7 POINT OF THE	1,222,000	\$1,295,320	\$1.06	1.98 ÷ 2 = 99
8 NUMBER OF	455,000	\$ 495,950	\$1.09	
9 DATA ITEMS	260,000	\$ 291,200	\$1.12	
10	195,000	\$ 243,750	\$1.25	

This method is a true average in that it measures the cost or income per square foot without reference to the number or size of buildings contributing data. Buildings with larger amounts of square feet will affect the average value more than small buildings. This effect is most noticeable in analyses with few buildings reporting, especially if the large buildings report unusual income or expense figures.

This is one reason the Experience Exchange Report provides as many size group breakdowns as possible for each city, and includes medians and mid-ranges, to allow greater ability to judge the usefulness of each statistic.

The Median is a true measure of the midpoint of the data. To obtain a median for the ten sets of data in the following example, the dollars per square foot for each building are arranged from the lowest value to the highest. Then the computer's tally counts halfway through the data and finds the number that lies at the midpoint.

The Mid-Range is an indication of the middle 50 percent of the data; the low Mid-Range figure is the number below which 25 percent of the data items lie, and the high Mid-Range figure is the number above which 25 percent of the data items lie. The result is a "bracket" of figures which show a range of 25 percent on either side of the center.

The Mid-Range shows the user the distribution of the data range. For data categories with three buildings or less, no Mid-Range will be shown.

Building	Square Feet	\$ Expense	Average/Sq. Ft.	
1	134,000	\$ 73,700	.55	
2	79,000	\$ 53,720	.68	
3	280,000	\$ 235,200	.84	
4	121,000	\$ 110,110	.91	
5	590,000	\$ 566,400	.96	
6	91,000	\$ 92,820	1.02	
7	1,222,000	\$1,295,320	1.06	
8	455,000	\$ 495,950	1.09	
9	260,000	\$ 291,200	1.12	
10	195,000	\$ 243,750	1.25	

THIS IS THE
MID-RANGE-
THE MIDDLE
50%

CANADIAN GOVERNMENT SECTOR NATIONAL LOCATION/SIZE ANALYSIS SUBURBAN 100,000 - 300,000 SQ.FT.

TOTAL BUILDING RENTABLE AREA				TOTAL OFFICE RENTABLE AREA			
0 BLDG				1,511,303 SQ. FT.			
DOLLARS SQ. FT.				DOLLAR SQ. FT.			
AVG	MEDIAN	LOW	HIGH	AVG	MEDIAN	LOW	HIGH
INCOME							
OFFICE AREA							
RENTAL AREA							
OTHER AREA							
TOTAL RENT	25	25					
TOTAL INCOME	26	25					
EXPENSE							
CLEANING	1.10	1.71	43				
REPAIR MAINT	2.14	1.34	73				
UTILITIES	1.14	1.20	63				
PROG. CHGS SEC	1.11	1.00	62				
ADMINISTRATIVE	4.00	3.30	2.00				
TOTAL OPER EXP	4.02	3.30	2.00				
FIXED EXPENSES	0.04	0.04					
TOTAL OPER-EXP	4.02	3.30	2.00				
LEASING EXP	0.00	0.00					
TOTAL PAYROLL	3.00	0.00					
TOTAL CONTRACT	1.73	1.00	0.00				

Avg. SOFT OFFICE TEN	149553	7		Avg. OFFICE OCCUPANCY	0.00	0	
Avg. SOFT RETIRE	1281	3		Avg. RETAIL OCCUPANCY	0.00	0	
Avg. SOFT OFFICE WORK	280	3		Avg. RATE VA. END RENT	0.00	0	
				RENTABLE CHASE TOUT	0.03	0	

TOTAL BUILDING RENTABLE AREA - MEDIAN DOLLAR SQ. FT.				TOTAL OFFICE RENTABLE AREA			
COMPONENT COSTS				COMPONENT			
COMPONENT	MEDIAN	RIDS	RIDS	COMPONENT	MEDIAN	RIDS	RIDS
CLEANING TOTAL	92	3	3	ADMIN TOTAL	0.00	0	0
PAYROLL	00	0	0	PAYROLL	0.00	0	0
CONTRACT	00	0	0	LEGAL FEES	0.00	0	0
SUP. MAINT. REMOVAL	0.00	0	0	LEGAL FEES	0.00	0	0
REPAIR MAINT. TOTAL	75	3	3	GEN. OFF. EXP.	0.00	0	0
ELEVATOR	0.00	0	0	OTHER ADM. EXP.	0.00	0	0
ELECTRICAL	0.00	0	0	FIXED EXP. TOTAL	0.04	0	0
STRUCTURE	0.00	0	0	REAL ESTATE TAX	0.04	0	0
PLUMBING	0.00	0	0	BUILDING RE.	0.04	0	0
PAINT	0.00	0	0	PLUMB. TANK	0.04	0	0
OTHER TUBES	0.00	0	0	OTHER TUBES	0.04	0	0
LEASING EXPENSES	4.30	0	0	LEASING EXPENSES	0.00	0	0
ADMIN. PROMOTION	0.00	0	0	ADMIN. PROMOTION	0.00	0	0
CONTRACT	0.00	0	0	CONTRACT	0.00	0	0
TENANT ALIS	0.00	0	0	TENANT ALIS	0.00	0	0
BUT OUTS	0.00	0	0	BUT OUTS	0.00	0	0
TOTAL PAYROLL	0.00	0	0	TOTAL PAYROLL	0.00	0	0
CLEANING	0.00	0	0	CLEANING	0.00	0	0
REPAIR MAINT.	0.00	0	0	REPAIR MAINT.	0.00	0	0
SECURITY	0.00	0	0	SECURITY	0.00	0	0
ADMINISTRATIVE	0.00	0	0	ADMINISTRATIVE	0.00	0	0
TOTAL CONTRACTS	0.00	0	0	TOTAL CONTRACTS	0.00	0	0
CLEANING	0.00	0	0	CLEANING	0.00	0	0
REPAIR MAINT.	0.00	0	0	REPAIR MAINT.	0.00	0	0
SECURITY	0.00	0	0	SECURITY	0.00	0	0
ADMINISTRATIVE	0.00	0	0	ADMINISTRATIVE	0.00	0	0

ALL FIGURES ARE BASED ON 1970 DATA. CONTRACTS AND SOFT OFFICE RENTABLE AREA.

CANADIAN GOVERNMENT SECTOR TORONTO SUBURBAN LESS THAN 50,000 SQ.FT.

TOTAL BUILDING RENTABLE AREA				TOTAL OFFICE RENTABLE AREA			
4 BLDG				90,120 SQ. FT.			
DOLLARS SQ. FT.				DOLLAR SQ. FT.			
AVG	MEDIAN	LOW	HIGH	AVG	MEDIAN	LOW	HIGH
INCOME							
OFFICE AREA							
RENTAL AREA							
OTHER AREA							
TOTAL RENT							
TOTAL INCOME							
EXPENSE							
CLEANING	1.08	1.05	73				
REPAIR MAINT	1.30	1.10	74				
UTILITIES	1.33	1.20	1.10				
PROG. CHGS SEC	4.33	3.34	3.4				
ADMINISTRATIVE	3.50	3.02	3.00				
TOTAL OPER EXP	4.22	3.90	3.37				
FIXED EXPENSES	4.22	3.90	3.37				
TOTAL OPER-EXP	4.22	3.90	3.37				
LEASING EXP	1.07	1.35	1.16				
TOTAL PAYROLL	2.11	2.32	2.01				
TOTAL CONTRACT							

Avg. SOFT OFFICE TEN	9977	3		Avg. OFFICE OCCUPANCY	100.0	0	
Avg. SOFT RETIRE	0	0		Avg. RETAIL OCCUPANCY	0.0	0	
Avg. SOFT OFFICE WORK	426	2		Avg. RATE VA. END RENT	0.0	0	
				RENTABLE CHASE TOUT	0.0	0	

TOTAL BUILDING RENTABLE AREA - MEDIAN DOLLAR SQ. FT.				TOTAL OFFICE RENTABLE AREA			
COMPONENT COSTS				COMPONENT			
COMPONENT	MEDIAN	RIDS	RIDS	COMPONENT	MEDIAN	RIDS	RIDS
CLEANING TOTAL	1.44	2	2	ADMIN TOTAL	38	2	2
PAYROLL	1.00	1	1	PAYROLL	48	1	1
CONTRACT	0.00	0	0	LEGAL FEES	0.00	0	0
SUP. MAINT. REMOVAL	0.00	0	0	LEGAL FEES	0.00	0	0
REPAIR MAINT. TOTAL	74	2	2	GEN. OFF. EXP.	14	2	2
ELEVATOR	25	1	1	OTHER ADM. EXP.			
ELECTRICAL	0.00	0	0	FIXED EXP. TOTAL			
STRUCTURE	0.00	0	0	REAL ESTATE TAX			
PLUMBING	0.00	0	0	BUILDING RE.			
PAINT	0.00	0	0	PLUMB. TANK			
OTHER TUBES	0.00	0	0	OTHER TUBES			
LEASING EXPENSES	0.10	0	0	LEASING EXPENSES			
ADMIN. PROMOTION	0.15	0	0	ADMIN. PROMOTION			
CONTRACT	0.00	0	0	CONTRACT			
TENANT ALIS	0.00	0	0	TENANT ALIS			
BUT OUTS	0.00	0	0	BUT OUTS			
TOTAL PAYROLL	1.20	2	2	TOTAL PAYROLL	1.35	2	2
CLEANING	0.00	0	0	CLEANING	1.00	1	1
REPAIR MAINT.	0.00	0	0	REPAIR MAINT.	0.00	0	0
SECURITY	0.00	0	0	SECURITY	0.00	0	0
ADMINISTRATIVE	0.00	0	0	ADMINISTRATIVE	0.00	0	0
TOTAL CONTRACTS	0.00	0	0	TOTAL CONTRACTS	0.00	0	0
CLEANING	0.00	0	0	CLEANING	0.00	0	0
REPAIR MAINT.	0.00	0	0	REPAIR MAINT.	0.00	0	0
SECURITY	0.00	0	0	SECURITY	0.00	0	0
ADMINISTRATIVE	0.00	0	0	ADMINISTRATIVE	0.00	0	0

ALL FIGURES ARE BASED ON 1970 DATA. CONTRACTS AND SOFT OFFICE RENTABLE AREA.

CANADIAN GOVERNMENT SECTOR
TORONTO
DOWNTOWN 100,000 - 300,000 SQ.FT.

		TOTAL BUILDING RENTABLE AREA				TOTAL OFFICE RENTABLE AREA			
INCOME		10 BLDG 1,303,230 SQ FT				1,304,457 SQ FT			
DOLLARS SQ FT	W/O RANGE	LOW	HIGH	AVG	W/O RANGE	LOW	HIGH	AVG	
1.12	1.31	1.37	1.43	1.38	1.10	1.20	1.30	1.23	
1.24	1.31	1.37	1.43	1.38	1.20	1.30	1.40	1.33	
1.35	1.40	1.45	1.50	1.42	1.30	1.40	1.50	1.43	
1.45	1.50	1.55	1.60	1.52	1.40	1.50	1.60	1.53	
1.55	1.60	1.65	1.70	1.62	1.50	1.60	1.70	1.63	
1.65	1.70	1.75	1.80	1.72	1.60	1.70	1.80	1.73	
1.75	1.80	1.85	1.90	1.82	1.70	1.80	1.90	1.83	
1.85	1.90	1.95	2.00	1.92	1.80	1.90	2.00	1.93	
1.95	2.00	2.05	2.10	2.02	1.90	2.00	2.10	2.03	
2.05	2.10	2.15	2.20	2.12	2.00	2.10	2.20	2.13	
2.15	2.20	2.25	2.30	2.22	2.10	2.20	2.30	2.23	
2.25	2.30	2.35	2.40	2.32	2.20	2.30	2.40	2.33	
2.35	2.40	2.45	2.50	2.42	2.30	2.40	2.50	2.43	
2.45	2.50	2.55	2.60	2.52	2.40	2.50	2.60	2.53	
2.55	2.60	2.65	2.70	2.62	2.50	2.60	2.70	2.63	
2.65	2.70	2.75	2.80	2.72	2.60	2.70	2.80	2.73	
2.75	2.80	2.85	2.90	2.82	2.70	2.80	2.90	2.83	
2.85	2.90	2.95	3.00	2.92	2.80	2.90	3.00	2.93	
2.95	3.00	3.05	3.10	3.02	2.90	3.00	3.10	3.03	
3.05	3.10	3.15	3.20	3.12	3.00	3.10	3.20	3.13	
3.15	3.20	3.25	3.30	3.22	3.10	3.20	3.30	3.23	
3.25	3.30	3.35	3.40	3.32	3.20	3.30	3.40	3.33	
3.35	3.40	3.45	3.50	3.42	3.30	3.40	3.50	3.43	
3.45	3.50	3.55	3.60	3.52	3.40	3.50	3.60	3.53	
3.55	3.60	3.65	3.70	3.62	3.50	3.60	3.70	3.63	
3.65	3.70	3.75	3.80	3.72	3.60	3.70	3.80	3.73	
3.75	3.80	3.85	3.90	3.82	3.70	3.80	3.90	3.83	
3.85	3.90	3.95	4.00	3.92	3.80	3.90	4.00	3.93	
3.95	4.00	4.05	4.10	4.02	3.90	4.00	4.10	4.03	
4.05	4.10	4.15	4.20	4.12	4.00	4.10	4.20	4.13	
4.15	4.20	4.25	4.30	4.22	4.10	4.20	4.30	4.23	
4.25	4.30	4.35	4.40	4.32	4.20	4.30	4.40	4.33	
4.35	4.40	4.45	4.50	4.42	4.30	4.40	4.50	4.43	
4.45	4.50	4.55	4.60	4.52	4.40	4.50	4.60	4.53	
4.55	4.60	4.65	4.70	4.62	4.50	4.60	4.70	4.63	
4.65	4.70	4.75	4.80	4.72	4.60	4.70	4.80	4.73	
4.75	4.80	4.85	4.90	4.82	4.70	4.80	4.90	4.83	
4.85	4.90	4.95	5.00	4.92	4.80	4.90	5.00	4.93	
4.95	5.00	5.05	5.10	5.02	4.90	5.00	5.10	5.03	
5.05	5.10	5.15	5.20	5.12	5.00	5.10	5.20	5.13	
5.15	5.20	5.25	5.30	5.22	5.10	5.20	5.30	5.23	
5.25	5.30	5.35	5.40	5.32	5.20	5.30	5.40	5.33	
5.35	5.40	5.45	5.50	5.42	5.30	5.40	5.50	5.43	
5.45	5.50	5.55	5.60	5.52	5.40	5.50	5.60	5.53	
5.55	5.60	5.65	5.70	5.62	5.50	5.60	5.70	5.63	
5.65	5.70	5.75	5.80	5.72	5.60	5.70	5.80	5.73	
5.75	5.80	5.85	5.90	5.82	5.70	5.80	5.90	5.83	
5.85	5.90	5.95	6.00	5.92	5.80	5.90	6.00	5.93	
5.95	6.00	6.05	6.10	6.02	5.90	6.00	6.10	6.03	
6.05	6.10	6.15	6.20	6.12	6.00	6.10	6.20	6.13	
6.15	6.20	6.25	6.30	6.22	6.10	6.20	6.30	6.23	
6.25	6.30	6.35	6.40	6.32	6.20	6.30	6.40	6.33	
6.35	6.40	6.45	6.50	6.42	6.30	6.40	6.50	6.43	
6.45	6.50	6.55	6.60	6.52	6.40	6.50	6.60	6.53	
6.55	6.60	6.65	6.70	6.62	6.50	6.60	6.70	6.63	
6.65	6.70	6.75	6.80	6.72	6.60	6.70	6.80	6.73	
6.75	6.80	6.85	6.90	6.82	6.70	6.80	6.90	6.83	
6.85	6.90	6.95	7.00	6.92	6.80	6.90	7.00	6.93	
6.95	7.00	7.05	7.10	7.02	6.90	7.00	7.10	7.03	
7.05	7.10	7.15	7.20	7.12	7.00	7.10	7.20	7.13	
7.15	7.20	7.25	7.30	7.22	7.10	7.20	7.30	7.23	
7.25	7.30	7.35	7.40	7.32	7.20	7.30	7.40	7.33	
7.35	7.40	7.45	7.50	7.42	7.30	7.40	7.50	7.43	
7.45	7.50	7.55	7.60	7.52	7.40	7.50	7.60	7.53	
7.55	7.60	7.65	7.70	7.62	7.50	7.60	7.70	7.63	
7.65	7.70	7.75	7.80	7.72	7.60	7.70	7.80	7.73	
7.75	7.80	7.85	7.90	7.82	7.70	7.80	7.90	7.83	
7.85	7.90	7.95	8.00	7.92	7.80	7.90	8.00	7.93	
7.95	8.00	8.05	8.10	8.02	7.90	8.00	8.10	8.03	
8.05	8.10	8.15	8.20	8.12	8.00	8.10	8.20	8.13	
8.15	8.20	8.25	8.30	8.22	8.10	8.20	8.30	8.23	
8.25	8.30	8.35	8.40	8.32	8.20	8.30	8.40	8.33	
8.35	8.40	8.45	8.50	8.42	8.30	8.40	8.50	8.43	
8.45	8.50	8.55	8.60	8.52	8.40	8.50	8.60	8.53	
8.55	8.60	8.65	8.70	8.62	8.50	8.60	8.70	8.63	
8.65	8.70	8.75	8.80	8.72	8.60	8.70	8.80	8.73	
8.75	8.80	8.85	8.90	8.82	8.70	8.80	8.90	8.83	
8.85	8.90	8.95	9.00	8.92	8.80	8.90	9.00	8.93	
8.95	9.00	9.05	9.10	9.02	8.90	9.00	9.10	9.03	
9.05	9.10	9.15	9.20	9.12	9.00	9.10	9.20	9.13	
9.15	9.20	9.25	9.30	9.22	9.10	9.20	9.30	9.23	
9.25	9.30	9.35	9.40	9.32	9.20	9.30	9.40	9.33	
9.35	9.40	9.45	9.50	9.42	9.30	9.40	9.50	9.43	
9.45	9.50	9.55	9.60	9.52	9.40	9.50	9.60	9.53	
9.55	9.60	9.65	9.70	9.62	9.50	9.60	9.70	9.63	
9.65	9.70	9.75	9.80	9.72	9.60	9.70	9.80	9.73	
9.75	9.80	9.85	9.90	9.82	9.70	9.80	9.90	9.83	
9.85	9.90	9.95	10.00	9.92	9.80	9.90	10.00	9.93	
9.95	10.00	10.05	10.10	10.02	9.90	10.00	10.10	10.03	
10.05	10.10	10.15	10.20	10.12	10.00	10.10	10.20	10.13	
10.15	10.20	10.25	10.30	10.22	10.10	10.20	10.30	10.23	
10.25	10.30	10.35	10.40	10.32	10.20	10.30	10.40	10.33	
10.35	10.40	10.45	10.50	10.42	10.30	10.40	10.50	10.43	
10.45	10.50	10.55	10.60	10.52	10.40	10.50	10.60	10.53	
10.55	10.60	10.65	10.70	10.62	10.50	10.60	10.70	10.63	
10.65	10.70	10.75	10.80	10.72	10.60	10.70	10.80	10.73	
10.75	10.80	10.85	10.90	10.82	10.70	10.80	10.90	10.83	
10.85	10.90	10.95	11.00	10.92	10.80	10.90	11.00	10.93	
10.95	11.00	11.05	11.10	11.02	10.90	11.00	11.10	11.03	
11.05	11.10	11.15	11.20	11.12	11.00	11.10	11.20	11.13	
11.15	11.20	11.25	11.30	11.22	11.10	11.20	11.30	11.23	
11.25	11.30	11.35	11.40	11.32	11.20	11.30	11.40	11.33	
11.35	11.40	11.45	11.50	11.42	11.30	11.40	11.50	11.43	
11.45	11.50	11.55	11.60	11.52	11.40	11.50	11.60	11.53	
11.55	11.60	11.65	11.70	11.62	11.50	11.60	11.70	11.63	
11.65	11.70	11.75	11.80	11.72	11.60	11.70	11.80	11.73	
11.75	11.80	11.85	11.90	11.82	11.70	11.80	11.90	11.83	
11.85	11.90	11.95	12.00	11.92	11.80	11.90	12.00	11.93	
11.95	12.00	12.05	12.10	12.02	11.90	12.00	12.10	12.03	
12.05	12.10	12.15	12.20	12.12	12.00	12.10	12.20	12.13	
12.15	12.20	12.25	12.30	12.22	12.10	12.20	12.30	12.23	
12.25	12.30	12.35	12.40	12.32	12.20	12.30	12.40	12.33	
12.35	12.40	12.45	12.50	12.42	12.30	12.40	12.50	12.43	
12.45	12.50	12.55	12.60	12.52	12.40	12.50	12.60	12.53	
12.55	12.60	12.65	12.70	12.62	12.50	12.60	12.70	12.63	
12.65	12.70	12.75	12.80	12.72	12.60	12.70	12.80	12.73	
12.75	12.80	12.85	12.90	12.82	12.70	12.80	12.90	12.83	
12.85	12.90	12.95	13.00	12.92	12.80	12.90	13.00	12.93	
12.95	13.00	13.05	13.10	13.02	12.90	13.00	13.10	13.03	
13.05	13.10	13.15	13.20	13.12	13.00	13.10	13.20	13.13	
13.15	13.20	13.25	13.30	13.22	13.10	13.20	13.30	13.23	
13.25	13.30	13.35	13.40	13.32	13.20	13.30	13.40	13.33	
13.35	13.40	13.45	13.50	13.42	13.30	13.40	13.50	13.43	
13.45	13.50	13.55	13.60	13.52	13.40	13.50	13.60	13.53	
13.55	13.60	13.65	13.70	13.62	13.50	13.60	13.70	13.63	
13.65	13.70	13.75	13.80	13.72	13.60	13.70	13.80	13.73	
13.75	13.80	13.85	13.90	13.82	13.70	13.80	13.90	13.83	
13.85	13.90	13.95	14.00	13.92	13.80	13.90	14.00	13.93	
13.95	14.00	14.05	14.10	14.02	13.90	14.00	14.10	14.03	
14.05	14.10	14.15	14.20	14.12	14.00	14.10	14.20	14.13	
14.15	14.20	14.25	14.30	14.22	14.10	14.20	14.30	14.23	
14.25	14.30	14.35	14.40	14.32	14.20	14.30	14.40	14.33	
14.35	14.40	14.45	14.50	14.42	14.30	14.40	14.50	14.43	
14.45	14.50	14.55	14.60	14.52	14.40	14.50	14.60	14.53	
14.55	14.60	14.65	14.70	14.62	14.50	14.60	14.70	14.63	
14.65	14.70	14.75	14.80	14.72	14.60	14.70	14.80	14.73	
14.75	14.80	14.85	14.90	14.82	14.70	14.80	14.90	14.83	
14.85	14.90	14.95	15.00	14.92	14.80	14.90	15.00	14.93	
14.95	15.00	15.05	15						

COMPONENT COSTS - TOTAL BUILDING MEDIUM AREA MEDIUM DOLLARS SQFT					
COMPONENT	MEDIAN	BIDS	COMPONENT	MEDIAN	BIDS
CLEANING TOTAL	68	9	REPAIR TOTAL	20	9
PAYROLL	68	9	PAINT	19	9
CONTRACT	68	9	MECH TESTS		
SUP MAT MISC	68	9	LEGAL FEES		
TRASH REMOVAL	68	9	ALIGHT FEES		
	68	9	CEN LFC ENP	10	1
MECH MAINT TOTAL	1	0	OTHER AINE ENP		
PAYROLL	43	0	FIELD ENP TOTAL		
ELEVATOR	12	0	MECH ESTE TEN		
MISC	33	0	BUILDING M		
ELECTRICAL	64	0	INSULATING		
STRUCT MOOF	68	7	OTHER TAXES		
PLUMBING	63	0			
PAINT SUPPLY	62	7	LEASING: EXPENSES		
OTHER MAINT SUP	13	0	AD: PROVISION		
UTILITIES TOTAL	1	0	COMM FEES		
ELECTRIC	68	0	TENANT MTS		
GAS	37	0	BUY OUTS		
FUEL OIL	30	0			
PURCH STEAM	1	0	TOTAL PAYROLL	94	0
PURCH CH WTR			CLEANING	68	0
CON			REPAIR MAINT	43	0
WATER SEWER			PDS GROWDS	62	0
			SECURITY	62	0
			ADMINISTRATIVE	10	0
MIS GDS SEC TOT	91	0	TOTAL CONTRACTS	1	0
ADS GDS TOT	11	0	CLEANING	68	0
MIS GDS CONTR	68	7	REPAIR MAINT	63	0
MIS GDS OTHER	32	0	PDS GROWDS	64	0
SECURITY TOTAL	32	0	PDS GROWDS	68	7
SEC PAYROLL	63	0	SECURITY	68	7
SEC CONTRACTS	30	0	ADMINISTRATIVE	30	0
SEC OTHER					

Highly visible to the public and the press, the 1992-1993 season was a disaster for the park. The park was closed for the entire season due to the damage caused by the fire. The park was closed for the entire season due to the damage caused by the fire.

CANADIAN GOVERNMENT SECTOR
PETERBOROUGH
DOWNTOWN 100,000 - 300,000 SQ.FT.

[illegible]

COMPONENT COSTS - TOTAL BUILDING RENTABLE AREA MEDIAN DOLLARS SQ FT		
COMPONENT	MEDIAN	BIDS
CLEANING TOTAL		
PAYROLL		
CONTRACT		
SUP MAT WSP		
WASH RM MAJ-AL		
REPAIR MAINT TOTAL		
PAYROLL		
ELECTRIC		
MECH		
ELECTRICAL		
STRUCT ROOF		
PLUMBING		
PNE UVE SFT		
OTHER MAINT SIP		
UTILITIES TOTAL		
ELECTRIC		
GAS		
FUEL OIL		
PURCH STEAM		
PURCH CH WTR		
CHEMICALS		
WATER SEWER		
RDS GMS REC TOT		
RDS GMS TOTAL		
RDS GMS PAYRL		
RDS GMS CONTR		
RDS GMS OTHER		
SECURITY TOTAL		
SEC PAYROLL		
SEC CONTRACTS		
SEC OTHER		
UNEMP TOTAL		
PAYROLL		
LEGAL FEES		
ADH FEES		
INSURANCE		
OTHER ADM EXP		
FIXED EXP TOTAL		
REAL ESTATE TAX		
BUILDING INS		
PERM EMPLOY INS		
OTHER TAXES		
LEASING EXPENSES		
AD - PROMOTION		
COMM FEES		
TRAVEL MTS		
BUY-OUTS		
TOTAL PAYROLL		
CLEANING		
REPAIR MAINT		
WATER SEWER		
SECURITY		
ADMINISTRATIVE		
TOTAL CONTRACTS		
CLEANING		
REPAIR MAINT		
RDS GMS OTHER		
SECURITY		
ADMINISTRATIVE		

UNITED STATES DEPARTMENT OF AGRICULTURE

CANADIAN PRIVATE SECTOR
OTTAWA
DOWNTOWN 100,000 - 300,000 SQ.FT.

[illegible][illegible]

CANADIAN PRIVATE SECTOR
TORONTO
DOWNTOWN 100,000 - 300,000 SQ.FT.

INCOME		7 BLDG				1,500,014 \$0 FT.				1,319,072 \$0 FT.				TOTAL OFFICE RENTABLE AREA	
		DOLLARS SQ. FT.		MO RANGE		MO RANGE		MO RANGE		MO RANGE		MO RANGE			
		AVG	MEDIAN	LOW	HIGH	AVG	MEDIAN	LOW	HIGH	AVG	MEDIAN	LOW	HIGH		
OFFICE AREA		21.75	23.92	10.34	177.96	5	13.14	13.17	0.11	10.27					
RETAIL AREA						4									
OTHER RENT		10.47	12.92	00	15.00	7									
TOTAL RENT		3.55	3.93			2									
UNRECOVERABLE DUES		11.00	12.92	00	15.00	7									
TOTAL INCOME															
EXPENSE															
CHASING		1.52	1.09	03	3.26	7	1.03	1.13	03	3.24					
REPAIR MAINT		1.02	1.09	02	1.40	7	1.06	1.10	02	1.34					
UTILITIES		2.41	2.14	1.41	3.43	7	2.06	2.14	1.40	3.20					
PROS. CANCELS SEC		47.43	43	34	67.43	7	47	43	34	67.43					
ADMINISTRATIVE		70.03	63	39	80.03	7	70	63	39	80.03					
TOTAL OPER EXP		0.03	5.30	4.22	0.26	7	7.42	5.47	4.71	0.20					
FIXED EXPENSES		7.00	5.42	3.70	0.96	7	7.00	5.42	3.70	0.90					
TOTAL OPER-FIXED		14.01	10.67	0.01	11.70	7	15.11	10.63	0.01	11.70					
LEASED EXP		1.27	1.37			1									
TOTAL PAYROL		1.50	02	00	1.06	7									
TOTAL CONTRACT		2.38	2.05	1.05	2.06	7									
A-G LOST OFF. NEW		10140		0		A-G OFFICE OCCUPANCY		85.3		7					
A-G LOST OFF. IS		1490		2		A-G RETAIL OCCUPANCY		82.4		4					
A-G LOST OFF. WORK		1492		3		A-G OTHER OCCUPANCY		22.40		40					
						RENTABLE GROSS LOFT		80		00					

COMPONENT COSTS - TOTAL BUILDING RENTABLE AREA - MEDIUM DOLLARS - SOFT					
COMPONENT	MEDIAN	RDS	COMPONENT	MEDIAN	RDS
CLEANING TOTAL	98	9	GENERAL TOTAL	97	0
PAYROLL	36	2	MANAGEMENT	28	0
CONTRACT	98	0	AGENCY FEES	39	1
SUP MAT MISC	98	0	LEGAL FEES	39	2
WASTE REMOVAL	97	0	AGENCY FEES	98	1
			GEN OFC EXP	92	1
MEP MGMT TOTAL	1	0	OTHER ADM EXP	93	2
PAYROLL	34	0			
ELEVATOR	33	0	FIXED EXP TOTAL	5	0
ELECTRICAL	98	0	REPAIRS MAINT	4	0
STRUCTURAL	98	0	MATERIALS	98	0
STRICT ROOF	93	3	PERM PROP TAX	98	0
PLUMBING	93	3	OTHER TAXES	1	33
PNEUMATIC	93	3			
OTHER MGMT SUP	10	0	LEASING EXPENSES	1	37
			EDU PROMOTION	97	1
HAZARDOUS TOTAL	94	0	COMM FEES	97	1
ELECTRIC	1	00	TENANT MTS	1	1
GAS	98	0	BUY-OUTS	1	00
FUEL OIL	32	0			
PURCH STEAM	34	1	TOTAL PAYROLL	91	0
WATER CM WTR			CLEANING	31	3
COAL			REPAIR MAINT	30	0
WATER SEWER	11	5	RDS GROUNDS	30	0
			SECURITY		
			ADMINISTRATIVE	30	0
RDS GROS SEC TOT	49	0	TOTAL CONTRACTS	1	00
RDS GROS TOTAL	98	0	CLEANING	98	0
RDS GROS PAYR	93	4	REPAIR MAINT	93	0
RDS GROS CONTR	91	0	RDS GROUNDS	93	4
RDS GROS OTHER	34	0	SECURITY	32	3
SECURITY TOTAL			ADMINISTRATIVE	98	0
SEC PAYROLL					
SEC CONTRACTS	32	0			
SEE OTHER	91	3			

URBAN/MUNICIPAL

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M21



URBAN MUNIC. AL

APR 9 1991

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

J.J. SCHATZ
DEPUTY CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

TEL: 546-2700
FAX: 546-2095

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, April 9, 1991
7:30 o'clock p.m.
Council Chambers, City Hall**

A G E N D A

1. Opening Prayer

The Reverend James Styles
St. George's Anglican Church
10 Tom Street
Hamilton, Ontario

2. Proclamations

- (a) Volunteer Week - April 21 to April 27, 1991
- (b) Building Regulations Awareness Week - April 7 to April 13, 1991

3. Minutes

March 26, 1991

April 2, 1991

4. **Petitions and Correspondence**
5. **Reports of the Standing Committees**
 - (b) Parks and Recreation Committee
 - (c) Planning and Development Committee
 - (e) Licensing Committee
 - (h) Finance and Administration Committee
6. **Notices of Motion for Next Meeting**
7. **First Reading of the Bills**
8. **Second Reading of the Bills - Committee of the Whole**
9. **Third Reading of the Bills**
10. **Question Period**
11. **Adjournment**

MINUTES

March 26, 1991

**Hamilton City Council
March 26, 1991
7:30 o'clock p.m.
Council Chamber, City Hall**

The Council met.

Present: Mayor R. M. Morrow.

Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps,
Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher,
Murray, Ross.

Absent: Alderman Drury - civic business

His Worship Mayor Robert M. Morrow called the meeting to order.

* * * * *

The Reverend Eleanor Epp-Stobbe, Mennonite Church (Hamilton) led Council into prayer.

* * * * *

Mayor Morrow presented a Mayor's Award of Merit to Mr. Maurice Carter for his achievement in being honoured as a recipient of the Automotive Hall of Fame National Automotive Dealers Association 1991 Distinguished Service Citation is outstanding.

* * * * *

Mayor Morrow presented the following members of the Hamilton-Wentworth Aquatic Club for winning the Provincial/National Swimming Championships:

Joanne Malar	- civic gold pin and civic gold ring
Tamara Flannigan	- civic gold pin and civic gold ring
Ali Belluz	- civic gold pin and civic gold ring
Jill Brohman	- diamond insert

* * * * *

March 26, 1991

Mayor Morrow presented Vera Mitropoulos a certificate and cheque in the amount of \$700.00 for a first prize in the city's Second Annual Public Service Announcement Program for her production of "Community". Barb Forsyth was presented with a cheque in the amount of \$500.00 and a certificate for second prize for her production of "Litter".

* * * * *

Sheila Richardson of Ontario Good Roads Association presented Mr. J. Pavelka and Mr. D. Lobo with an award in recognition of Concrete Resource Recycling Program.

* * * * *

Mayor Morrow proclaimed April 9, 1991 as Tornado Awareness Day.

* * * * *

The minutes of the meetings held March 12, 1991 and March 21, 1991 (special meeting) were taken as read and approved.

* * * * *

The following correspondence was received and dealt with as follows:

1. Application dated March 11, 1991 from Trillium Funeral Services Corporation, 2 Jane Street, Suite 301, Toronto, Ontario for a change in zoning from "G-3" (Public Parking Lots) District modified to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District for properties at Nos. 25 & 27 West Avenue North, Hamilton, Ontario.

Received.

2. Application dated March 14, 1991 from St. Elizabeth Home Society, 393 Rymal Road West, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District for lands north of Rymal Road West and east of Garth Street, Hamilton, Ontario.

Received.

March 26, 1991

3. Application dated March 18, 1991 from Vedemo Construction Limited, 155 Market Street, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District and "D" (Urban Protected Residential - One and Two Family, Townhouses, etc.) District to "RT-20" (Townhouse-Maisonette) District for lands on the west side of Bow Valley Drive and south of Highridge Avenue, Hamilton, Ontario.

Received.

4. Application dated March 19, 1991 from Patricia Costen and 892987 Ontario Inc., (Fred Spencer), 155 Dundonald Avenue, Hamilton, Ontario for a modification to the "G" (Neighbourhood Shopping Centre, etc.) District for 147-155 Dundonald Avenue, Hamilton, Ontario.

Received.

5. Application dated March 20, 1991 from Fiore Manganiello (in trust), 90 Country Club Drive, Hamilton, Ontario for a change in zoning from "L-mr-2" (Planned Development Multiple Residential) District to "H" (Community Shopping and Commercial, etc.) District for Nos. 87, 89, 91, 93, 95 Wellington Street North and 216 Wilson Street North, Hamilton, Ontario.

Received.

6. Application dated March 20, 1991 from Rymal Gardens Inc., 158 Hester Street, Hamilton, Ontario for a change in zoning from "C" (Urban Protected Residential, etc.) ZDistrict to "RT-20" (Townhouse-Maisonette) District and "R-4" (Small Lot Single-Family Detached) District for lands south of Rymal Road and West of the proposed extension of Upper Wentworth Street, Hamilton, Ontario.

Received.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that Council move into Committee of the Whole to consider the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Licensing Committee, the Report of His Worship Mayor R. M. Morrow and the Finance and Administration Committee, with Alderman Agostino in the chair.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray, Ross. -16.

NAYS: 0. CARRIED.

* * * * *

TRANSPORT AND ENVIRONMENT COMMITTEE - SIXTH REPORT.

* * * * *

PARKS AND RECREATION COMMITTEE - SIXTH REPORT.

Section 1 Re: Permission to sell food and alcoholic beverages - Dundurn Park Pavilion.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Copps, Wilson, Agostino, Lombardo, Formosi, Merling, Gallagher, Murray, Ross. -14.

NAYS: Alderman Jackson. -1. CARRIED.

* * * * *

Section 2 Re: Permission to sell alcohol and beer - Globe Park.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Copps, Wilson, Agostino, Lombardo, Formosi, Merling, Gallagher, Murray, Ross. -14.

NAYS: Alderman Jackson. -1. CARRIED.

* * * * *

March 26, 1991

Section 3 Re: Permission to sell beer and food - James MacDonald School Park.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Copps, Wilson, Agostino, Lombardo, Formosi, Merling, Gallagher, Murray, Ross. -14.

NAYS: Alderman Jackson. -1.

CARRIED.

* * * * *

Section 13 Re: Turf - Ivor Wynne Stadium

It was moved by Alderman Gallagher and seconded by Alderman Lombardo

RESOLVED: That section 13 of the 6th Report of the Parks and Recreation Committee be referred back to the Parks and Recreation Committee and that an invitation be extended to the Hamilton Tiger-Cats to participate with City Council and the community to raise funds to replace the turf at Ivor Wynne Stadium.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray, Ross. -16.

NAYS: 0.

CARRIED.

* * * * *

PLANNING AND DEVELOPMENT COMMITTEE - FIFTH REPORT.

Section 4 Re: Zoning Application - 740898 Ontario Inc. - 41-45 Cathcart St.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray, Ross. -15.

NAYS: Alderman Copps. -1.

CARRIED.

* * * * *

Section 7 Re: Zoning Application - John Morrison and Saulis Zemaitis - 172 Sanford S.

It was moved by Alderman Ross and seconded by Alderman Merling

RESOLVED: That section 7 of the Fifth Report for 1991 of the Planning and Development Committee be amended by:

- (a) deleting the words "not" and "for the following reasons:" in the fifth line; and
- (b) by deleting Sub-Sections (a) (b) and (c) and the Note; and
- (c) by substituting in lieu thereof the following "satisfactory to the Director of Local Planning".

YEAS: Mayor Morrow, Aldermen Agro, McCulloch, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray, Ross. -12.

NAYS: Aldermen Kiss, Hinkley, Copps. -3. CARRIED.

Alderman Cooke delcared personal interest in, took no part in the debate and refrained from voting on this matter. The owner of the property in question is Alderman Cooke's immediate supervisor at his place of employment.

* * * * *

LICENSING COMMITTEE - FIRST REPORT

* * * * *

March 26, 1991

REPORT OF HIS WORSHIP MAYOR ROBERT M. MORROW - FIRST REPORT

Section 1 Re: Membership Policy Guidelines and Associated Procedures for the City of Hamilton Race Relations Committee.

It was moved by Alderman Jackson and seconded by Alderman Lombardo

RESOLVED: That 5 (d) of the Policy Guidelines and Associated Procedures for the City of Hamilton Race Relations Committee be amended to read as follows:

5 (d) Mediation - listen to and advise upon complaints relating to racial discrimination and incidents, and when necessary, refer the complaints to the Advisory Council.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Hinkley, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Gallagher, Ross. -13.

NAYS: Alderman Murray. -1.

CARRIED.

* * * * *

It was moved by Alderman Ross and seconded by Alderman Gallagher

RESOLVED: That Section 2 of "Selection of Members" to Advisory Council and The Committee of the Membership Guidelines and Associated Procedures for the City of Hamilton Race Relations Committee be amended such that the Selection Committee will consist of the Finance and Administration Committee.

LOST

YEAS: Aldermen Lombardo, Formosi, Gallagher, Murray, Ross. -5.

NAYS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Hinkley, Copps, Wilson, Agostino, Jackson. -9.

* * * * *

Recorded vote on section 1

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Hinkley, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Ross. -12.

NAYS: Alderman Murray. -1.

CARRIED.

* * * * *

Recorded vote on section 2

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Hinkley, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Ross. -12.

NAYS: Alderman Murray. -1.

CARRIED.

* * * * *

FINANCE & ADMINISTRATION COMMITTEE - SIXTH REPORT.

Section 10 Re: Renew lease - "It's All Greek To Me!" - parking spaces

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Hinkley, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Murray, Ross. -14.

NAYS: Alderman Gallagher, -1.

CARRIED.

* * * * *

Section 15 Re: Parking Authority absorbing annual profit or loss Re: parking facilities.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Hinkley, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray. -14.

NAYS: Alderman Copps. -1.

CARRIED.

* * * * *

March 26, 1991

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That Alderman T. Jackson be appointed Acting Mayor for the month of April, 1991. CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Licensing Committee, the Report of His Worship Mayor R. M. Morrow, the Finance and Administration Committee and resolutions, be adopted.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Hinkley, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray. -14.

NAYS: 0. CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the following Bills be now read a first time:

A-26, A-27, A-28.

C-19, C-20, C-21, C-22.

H-8, H-9.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Hinkley, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray. -14.

NAYS: 0. CARRIED.

* * * * *

March 26, 1991

It was moved by Alderman Cooke and seconded by Alderman Kiss that Council move into Committee of the Whole to consider the following Bills, with Alderman Agostino in the chair. (second reading)

A-26, A-27, A-28.

C-19, C-20, C-21, C-22.

H-8, H-9.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Hinkley, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray. -14.

NAYS: 0. CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the Report of the Committee of the Whole on the following Bills, be adopted. -

A-26, A-27, A-28.

C-19, C-20, C-21, C-22.

H-8, H-9.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Hinkley, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray. - 14.

NAYS: 0. CARRIED.

* * * * *

March 26, 1991

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

A-26, A-27, A-28.

C-19, C-20, C-21, C-22.

H-8, H-9.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Hinkley, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray. -14.

NAYS: 0.

CARRIED.

* * * * *

City Council then adjourned at 10:10 o'clock p.m.

* * * * *

April 2, 1991

Hamilton City Council (Special)
April 2, 1991
7:15 o'clock p.m.
Council Chamber, City Hall

The Council met.

Present: Mayor R. M. Morrow.

Aldermen Cooke, Kiss, Hinkley, Drury, Copps,
Wilson, Agostino, Formosi, Jackson, Murray.

Absent: Alderman Agro - civic business
Alderman McCulloch - civic business
Alderman Lombardo - vacation
Alderman Merling - vacation
Alderman Gallagher - civic business
Alderman Ross - regional business

His Worship Mayor Robert M. Morrow called the meeting to order.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Wilson that the report of the Finance and Administration Committee be now considered in Committee of the Whole with Mayor Morrow in the chair.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Hinkley, Drury, Copps, Wilson,
Agostino, Formosi, Jackson, Murray. -11.

NAYS: 0.

CARRIED.

* * * * *

FINANCE AND ADMINISTRATION COMMITTEE - SEVENTH REPORT

* * * * *

April 2, 1991

It was moved by Alderman Cooke and seconded by Alderman Wilson that the report of the Committee of the Whole on the report of the Finance and Administration Committee, be adopted.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Hinkley, Drury, Copps, Wilson, Agostino, Formosi, Jackson, Murray. -11.

NAYS: 0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Wilson that Bill No. H-10 be now read a first time.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Hinkley, Drury, Copps, Wilson, Agostino, Formosi, Jackson, Murray. -11.

NAYS: 0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Wilson that Council move into Committee of the Whole to consider Bill H-10 with Mayor Morrow in the chair.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Hinkley, Drury, Copps, Wilson, Agostino, Formosi, Jackson, Murray. -11.

NAYS: 0.

CARRIED.

* * * * *

Consideration of Bill H-10 (second reading)

* * * * *

April 2, 1991

It was moved by Alderman Cooke and seconded by Alderman Wilson that the report of the Committee of the Whole on Bill H-10 be adopted.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Hinkley, Drury, Copps, Wilson, Agostino, Formosi, Jackson, Murray. -11.

NAYS: 0. CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Wilson that Bill H-10 be now read a third time, signed, sealed and enrolled as a by-law.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Hinkley, Drury, Copps, Wilson, Agostino, Formosi, Jackson, Murray. -11.

NAYS: 0. CARRIED.

* * * * *

City Council then adjourned at 7:20 o'clock p.m.

* * * * *

CORRESPONDENCE

1. Application dated March 22, 1991 from 627791 Ontario Inc., Juergen Lebrecht, President, 469 Wilson Street East, Ancaster, Ontario for a change in zoning from "M-14" (Prestige Industrial) District to "C" (Urban Protected Residential, etc.) District for property at 64 Ewen Road.

Recommendation: Be Received.

2. Letter dated March 27, 1991 from K. E. Avery, City Clerk respecting an objection to By-law No. 91-11 respecting property at 125 Napier Street and 55 Queen Street North, Hamilton, Ontario. (previously distributed)

Recommendation: No Action.



REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **SEVENTH** Report for 1991 and respectfully recommends:

1. That the smoke free status in Culture and Recreation Facilities be re-affirmed and be enforced under both the Smoking In Public Places By-law 80-258 and the Trespass to Property Act.
2. That the authority be given to the action taken by the Director of Culture and Recreation in advising the organizers of the Cari Can Festival and Parade to relocate the 1991 August 17 - 18 event from Dundurn Park to a location that is mutually acceptable by the City and the organizers of the Cari Can Festival.
3. That a contract be entered into between the City of Hamilton, and the Hamilton Junior Chamber of Commerce to operate the parking lot at Scott Park, for the period 1991 January 1 to 1993 December 31, subject to the following terms and conditions:
 - (a) That a fee of \$4,900.00 be payable to the City of Hamilton for 1991 and that the fees to be paid for subsequent years be negotiated on an annual basis.
 - (b) That the parking fee charged will be \$4.00 per car, for 1991 and that the parking fee charges be negotiated on an annual basis.
 - (c) That the Junior Chamber of Commerce will be required to provide the service during Tiger Cat Home Games, and any other major events as determined by the Director of Culture and Recreation.
 - (d) That the Junior Chamber of Commerce provide Comprehensive General Liability Insurance with a limit of at least \$2 million and the standard garage auto policy with limits of at least \$1 million containing terms and conditions outlined in all previous contracts, and naming the City of Hamilton as co-insured.
 - (e) That the contract be satisfactory to the City Solicitor

4. That Canada Day be designated as the primary date for a civic fireworks display over the Waterfront to compliment the new initiatives being developed in Hamilton to recognize the patriotic fabric of our City.
5.
 - (a) That the Hamilton Street Railway be permitted to construct the bus turnaround in front of the Rosedale Arena according to the "Concept Plan 910305" attached hereto as Appendix "A"; and,
 - (b) That the City of Hamilton enter into a standard licence agreement with the Hamilton Street Railway for the construction and occupancy of the area for the purposes of the bus turnaround.
6. That staff be authorized to commence the implementation of a 5 year programme for installing new park name signs in all city parks, according to the details and specifications attached hereto as Appendix "B".
7. That signage requested for the purpose of advertising and promoting special events, commercial outdoor activities and functions be allowed in approved host city parks and golf courses subject to the details and specifications attached hereto as Appendix "C".
8. That the Liquor Licence Board of Ontario be advised of the irregularities with respect to the liquor licence for the Hamilton Hornets Rugby Football Club and the City's request to suspend (or revoke) said licence.
9.
 - (a) That Mr. Trevor Hodgson be approved as the 1991 recipient of the Hamilton Arts Award.
 - (b) That the Annual Hamilton Arts Award grant in the amount of \$500.00 be awarded to Mr. Hodgson at the Proclamation Day ceremonies for Arts Awareness Month, Wednesday, 1991 May 1.

NOTE: Funds provided for in Account No. CH5A100 20020, Hamilton Arts Award.

Respectfully Submitted,

C. J. Coutts,
Acting Secretary

**ALDERMAN T. MURRAY, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

1991 April 2



COCHRANE ROAD

ROSSEAU ROAD

GREENHILL AVENUE






EXISTING BUS
LAYOVER POINT

EXISTING CAR
PARK

ROSEDALE
ARENA

ROADWAY TO KING'S FOREST CLUBHOUSE
GOLF COURSE

LEGEND

-  EXISTING PEDESTRIAN WALKWAY
-  EXISTING GRASS ISLAND
-  EXISTING LIGHT POLE
-  PROPOSED ROADWAY RECONSTRUCTION
-  PROPOSED CONCRETE LANDING PAD



PROPOSED BUS TURNAROUND
ROSEDALE ARENA
CONCEPT PLAN

1:1000 910305 TRANSPORTATION SERVICES

PARK NAME SIGNAGE

Specifications for the Parks Name Signage System.

COMMUNITY/NEIGHBOURHOOD PARKS/PARKETTES NAME SIGNS

(see figure 1 & 2)

Material:

The new signs shall be constructed from Hollow Structural steel frames and bat dip galvanized to prevent rusting.

The display panels shall be made of 25mm thick plywood panels (Medex) which are weather resistant. The sign panels are mounted with vandal proof bolts and nuts.

All text for the signs shall be of vinyl letters mounted on the weather resistant panels. Lettering height and style shall be variable depending on the length of the text and special requests from the neighbourhood residents.

Modular System:

The semi-circular shaped panel at the top of the sign shall contain the City of Hamilton Public Works logo and the Park name. The area below the Park name shall contain a wire mesh. This area shall measure 0.9m x 1.5m for the Neighbourhood Park sign. The Community Park sign shall have two similar sized areas containing the wire mesh.

Various sized panels can be mounted over the wire mesh containing advertising space or notice regarding specific events within the park.

The space would also be used as advertising space available for use by various groups and agencies at nominal costs.

Foundation:

The steel signs shall be bolted to a concrete foundation which will permit removal of the sign in the future if required.

Fabrication:

The steel frames shall be fabricated on local shops. The production of the plywood sign panels containing the required text, foundation construction and sign erection shall be undertaken by City forces.

CITY/HISTORICAL/OTHER PARK NAME SIGNS (see figures 3 & 4)

Parks not covered by the Neighbourhood and Community such as City, Historical, Golf Courses, Major Sports Parks shall have unique signs which are individually designed to reflect the specific character of the park/facility. Where possible these signs will incorporate the modular system described for the Community and Neighbourhood Park name signs including space for advertising. Figure 3 & 4 are sketches of signs proposed for this category. Signs in this category will be forwarded to the Parks and Recreation Committee on an individual basis for design and funding approval.

Location:

All park name signs shall be erected adjacent to the major streets on which the park frontages. The signs shall be erected parallel to the street at a location visible from the major street with the vegetation within each park.

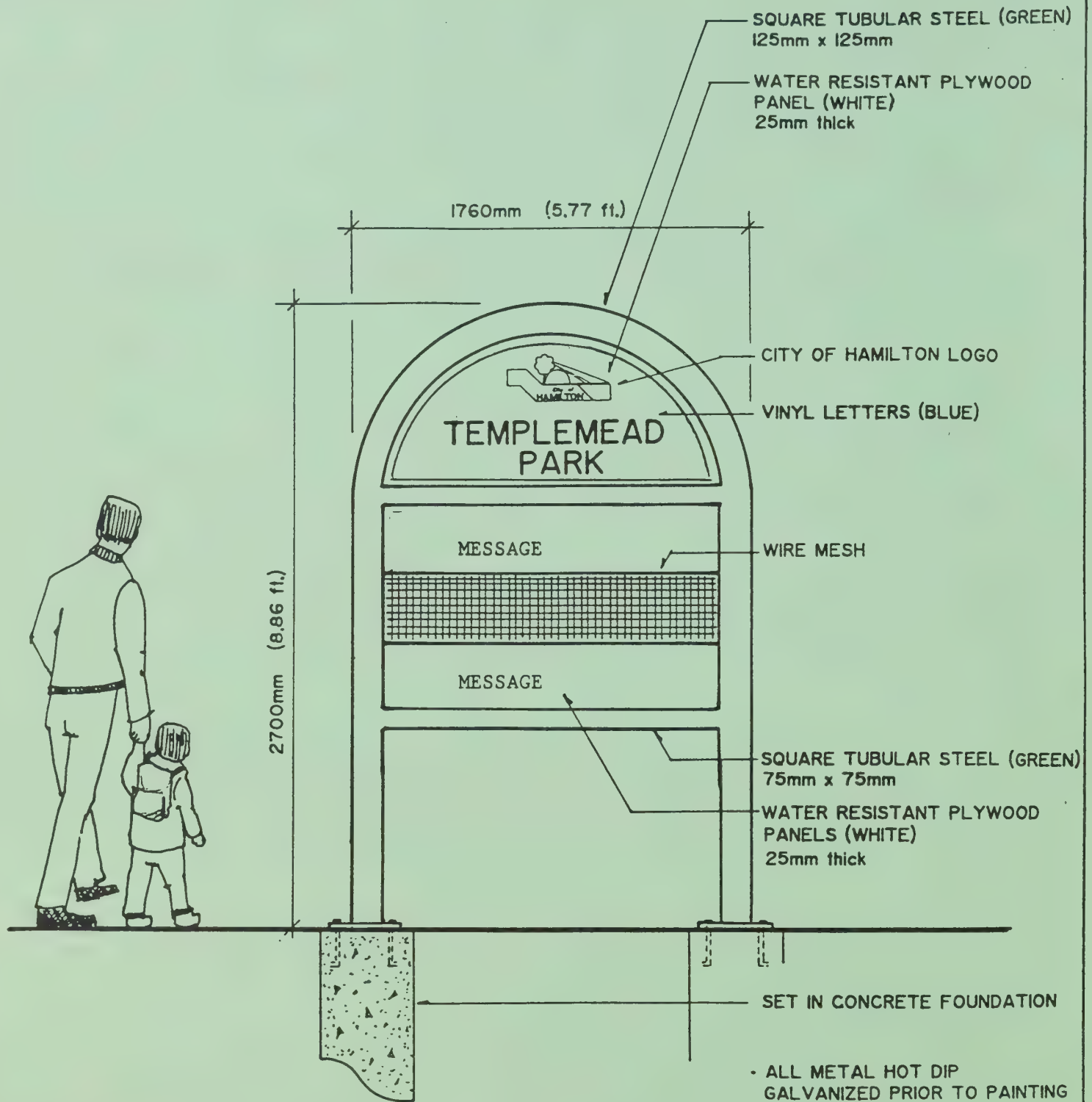
Lighting:

Illumination will be provided for Community/City/Sports Facilities Parks name signs. illumination will not be provided for Neighbourhood Park name signs.

Internal Park Signs:

Internal Park signs are proposed in parks which additional information is required in specific parks. These signs could be erected on secondary road frontages, major access points and parking areas. The intention is to use these signs to eliminate the numerous existing signs i.e. mounted on Povaco posts which presently exist. Then this sign is a reduced scale of the Neighbourhood Park name sign and is also designed on a modular system. These signs will be installed on a required basis to reduce the existing proliferation of existing signs.

WP/pw
Attachments



Project

PARK SIGNAGE

Title

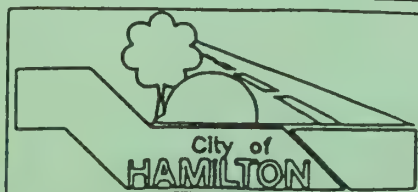
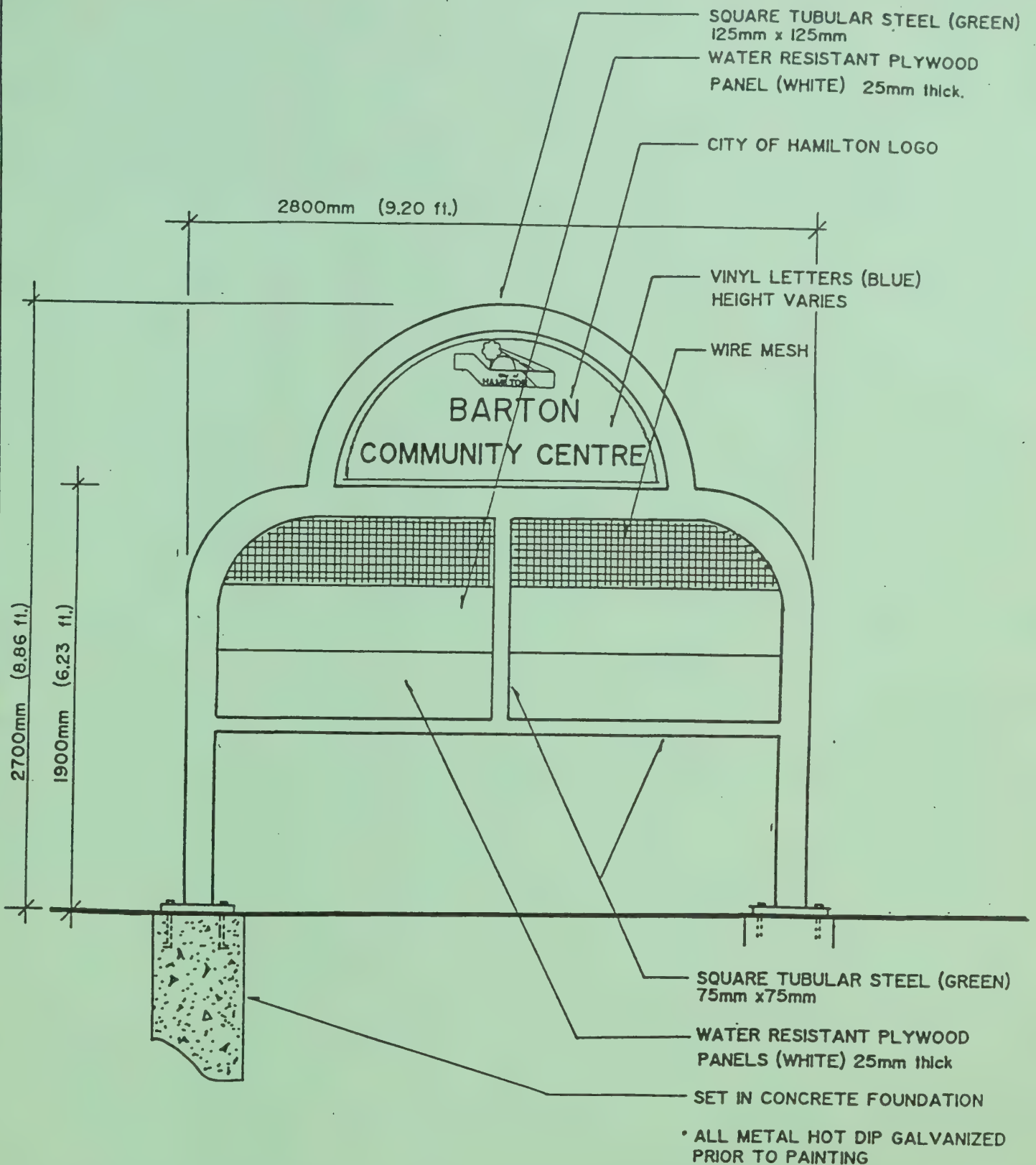
NEIGHBOURHOOD PARK SIGN

Date MAR. 26/91

Scale 1:25

Dwg. No.

FIG. 1



Project

PARK SIGNAGE

Title

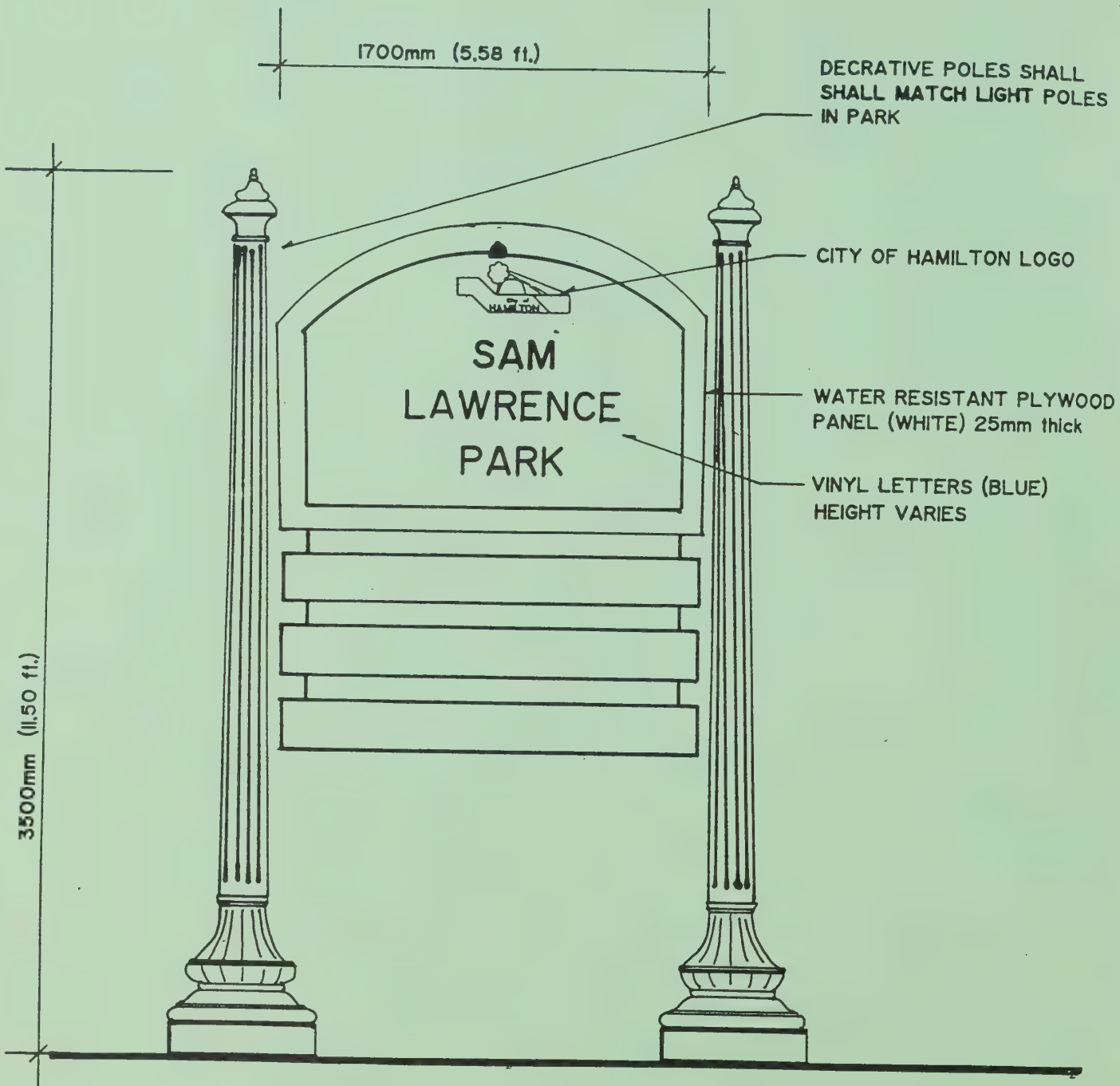
COMMUNITY PARK SIGN

Date MAR. 26/91

Scale 1:25

Dwg. No.

FIG. 2



Project

PARK SIGNAGE

Title

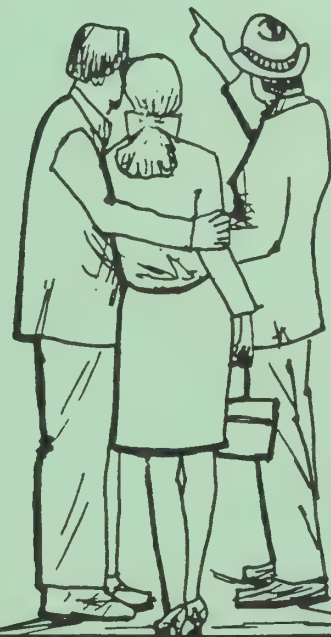
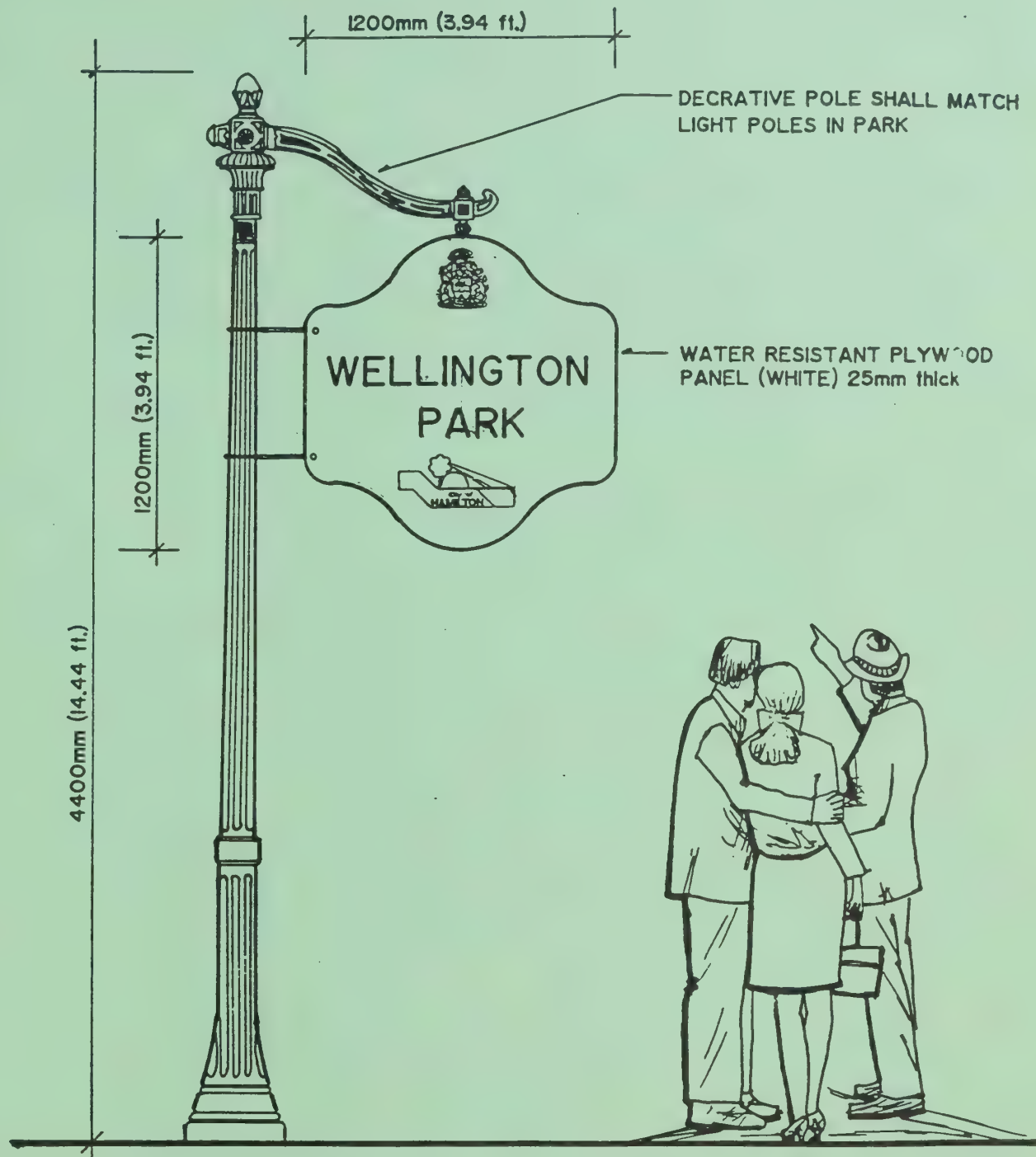
CITY PARK SIGN

Date MAR. 26/91

Scale 1 : 25

Dwg. No.

FIG. 3



Project

PARK SIGNAGE

Title

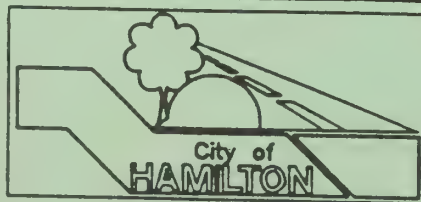
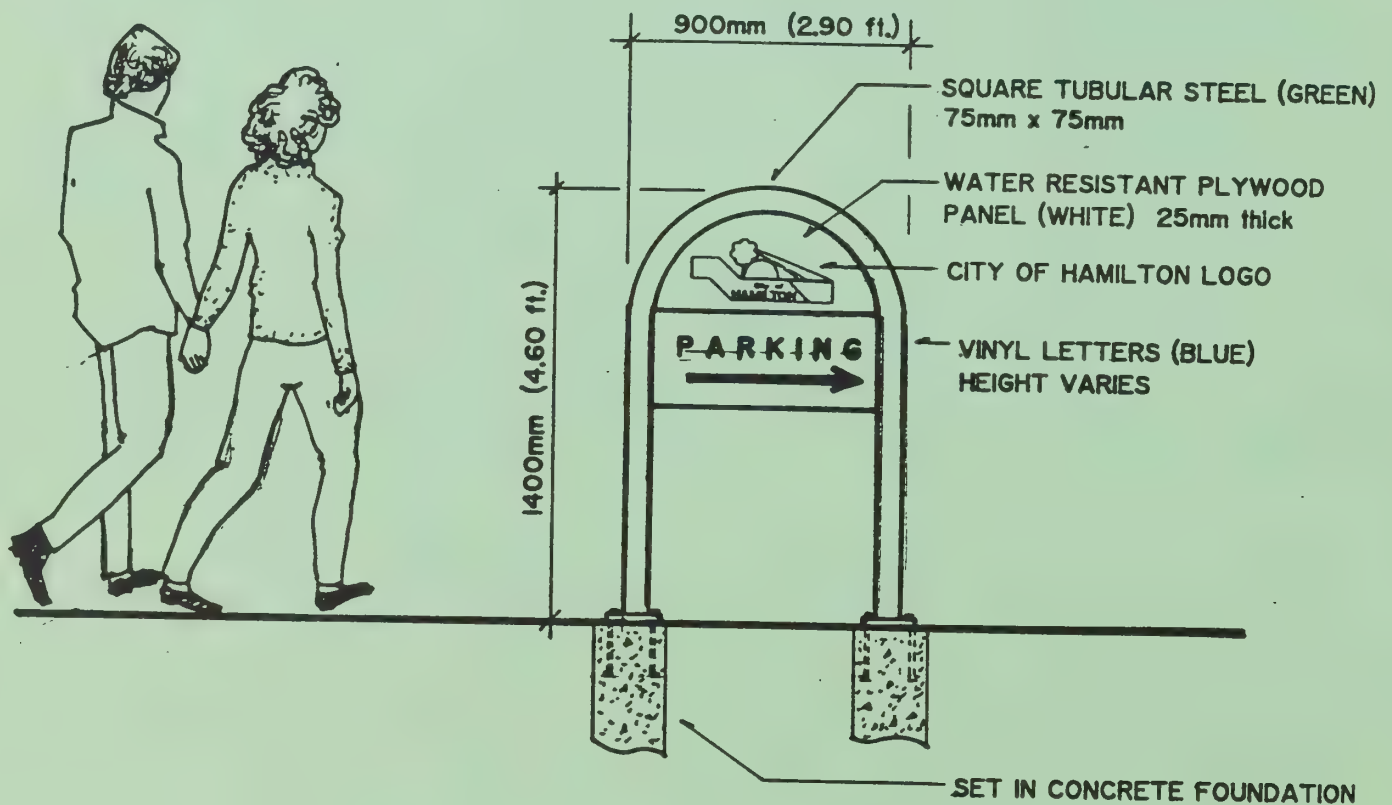
HISTORICAL/CULTURAL PARK SIGN

Date MAR. 26/91

Scale 1:25

Dwg. No.

FIG. 4



Project

PARK SIGNAGE

Title

INTERNAL PARK SIGN

Date MAR. 26/91

Scale 1 : 25

Dwg. No.

FIG. 5

Guidelines/specifications for the advertising and promoting of special events/functions within approved/host city parks.

- (a) That sign locations be restricted to not more than two locations approved to the satisfaction of the Director of Public Works. Advertising may be restricted to one location when there is an overlapping of scheduled and approved events.
- (b) That the temporary signage be permitted to stand in place for a period not to exceed 2 weeks prior to the scheduled event.
- (c) That the manufacture, installation and maintenance be undertaken by City forces, with all costs borne by the proponent unless alternate arrangements have received the prior approval of the Director of Public Works.
- (d) The architectural design of the temporary signage adhere to the following minimum structure standards;
 - (i) Exterior dimensions - Free standing sign will not exceed 48" x 96" in size and a height above grade of 8'. Signs at Dundurn Park will be constructed to fit within framework of existing park name signs.
 - (ii) Material - Sign will be constructed of plywood, or equivalent, 3/4" in thickness.
 - (iii) Graphic design and copy to be placed on sign must be approved by Special Event Advisory Team.
- (e) That upon installation of new park name signs all event, programme and activity notices be incorporated into this structure.

In the interim all park/golf course temporary signage be allowed to remain in use until new signs have been installed.
- (f) That no signage of any description be fixed to any park building or tree.

For some time, hosting of major events has occurred in both Dundurn and Gage Parks. The temporary sign locations for both parks have been determined as follows;

- Gage Park; (1) the corner of Main St. E. and Gage Ave. N. facing west
(2) at the extreme south end of the park facing Lawrence Road

Dundurn Park; because of the Parks designation as an historic site the locations were determined in conjunction with the Culture and Recreation Department

- (1) at the west end of the main parking area facing westerly on York Blvd. Sign will be installed on park name sign structure below name sign.
- (2) at east end entrance way to park facing easterly on York Blvd. Sign will be installed below park name sign.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **SIXTH** Report for 1991 and respectfully recommends:

1. That the Building Commissioner be authorized to issue a demolition permit for the following properties:
 - (a) 221 Brant Street
 - (b) 219 Brant Street
2. That the City of Hamilton request the Provincial Government to amend The Building Code Act to require the issuance of building permits for exterior building cleaning (including sandblasting).

Note: L.A.C.A.C. has expressed concern that no legislation exists to prevent sandblasting, a building cleaning process particularly harmful to many 19th Century buildings in Hamilton. A requirement of a building permit would enable the municipality to control sandblasting.

3. That the City Clerk be directed to advise the Regional Municipality of Halton that proposals outlined in the Report B4 "Land Stewardship and Healthy Communities: A Vision for the 90's and Beyond (Draft)" has no impact on the planning intentions of the City of Hamilton. The City would, however, appreciate the opportunity to comment on any future amendments to Halton Region's Official Plan that are prepared as a result of the public input received on this Report.

Note: Halton Region has requested the City's comments, amongst others, on their Report B4 "Land Stewardship and Healthy Communities: A Vision for the 90's and Beyond (Draft)", prepared as part of the major five year review of the Halton Regional Official Plan.

4. That Section 17(a) of the Twenty-Second Report for 1990 of the Planning and Development Committee to City Council, approved on 1990 December 11th, in regard to Zoning Application 90-78 by Gwynette and Frederick Seymour, owners of land at 70 West Avenue South, be amended as follows:

(a) amend clause (i)(2.) and (3.) by changing the number of parking spaces from "four" to "three."

(b) add the following clause as (i)(4.):

"That notwithstanding Section 11.(4)(i) of By-law No. 6593, a minimum lot width of 11.43 m (37'-6") shall be permitted."

Note: The change to the number of parking spaces provided, from four (4) to three (3), is necessary in order to preserve an existing tree that would otherwise have to be removed to accommodate the fourth parking space at the rear of the development.

The change in the minimum lot width is necessary in order to recognize the existing lot width. The lot width was established when the site was used as a private residence.

5. (A) That approval be given to Official Plan Amendment No. 98 to establish a "Residential" designation on Schedule "A", to include the lands in "Special Policy Area 1b" on Schedule "B", and to amend Schedules "C", "D", "F", "G" and "H" to extend the boundaries of the City limits, for property located on the east side of Webster Road, north of the T.H & B. Railway tracks, as shown on the attached map marked as Appendix "A", and the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

- (B) That approval be given to City Initiative 90-E, to establish the "B-2" (Suburban Residential) District regulations, to establish an appropriate zoning district for lands in the City of Hamilton, formerly in the City of Stoney Creek, for property located on the east side of Webster Road, north of the T.H & B. Railway tracks, as shown on the attached map marked as Appendix "A", on the following basis:

(a) That the subject lands be zoned "B-2" (Suburban Residential) District;

- (b) That the "B-2" (Suburban Residential) District regulations, as contained in Section 8B of Zoning By-law No. 6593, be modified to include the following variance as a special requirement:
 - (i) That Section 4.(3)(b) shall not apply.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1223, and that the subject lands be added to Zoning District Map E-107 and be notated S-1223;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-107 for presentation to City Council;
- (e) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 98 by the Regional Municipality of Hamilton-Wentworth;
- (f) That the approved Gershome Neighbourhood Plan be amended to include the subject lands within the Neighbourhood and to designate the lands, as shown on the attached map marked as Appendix "B", on the following basis:
 - (i) Block "1" - "Open Space";
 - (ii) Block "2" - "Single and Double Residential"; and,
 - (iii) Block "3" - "Utilities".

Note: The purpose of the by-law is to establish the "B-2" (Suburban Residential) District regulations for lands on the east side of Webster Road, north of the T.H.& B. Railway tracks.

The effect of the by-law is to establish an appropriate zoning district for lands in the City of Hamilton, formerly in the City of Stoney Creek.

In addition, the by-law provides for the following variance:

- (a) to exempt the dwellings from the provision which requires residential uses to abut a public highway at least 12.0 m in width.

6. That approval be given to Subdivision Application 25T-90027, Ferrell Builders Supply Limited and Adorn Investments Limited, owners, to establish a draft plan of subdivision in the area north of Highway No. 8, east of Donn Avenue, subject to the following conditions:
- (a) That approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated 1990 November 15, revised to add 2 additional blocks for development with abutting lands (if required) and now showing 26 lots, 5 blocks for development with abutting lands (Blocks "27", "28", "29", "32" and "33"), and 2 blocks for 0.3 m. reserves (Blocks "30" and "31").
 - (b) That the plan not receive final approval until municipal services are available from the lands to the west.
 - (c) That the centre line of proposed Berkindale Drive align with the centre line of future Berkindale Drive to be established over lands to the east and west.
 - (d) That the streets be dedicated as public highways to the City of Hamilton on the final plan.
 - (e) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (f) That the final plan conform to the zoning by-law approved under The Planning Act.
 - (g) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (h) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block on the final plan.
 - (i) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.
 - (j) That the dead-ends of the road allowance created by the plan be terminated in 0.3 reserves (Blocks "30" and "31") to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances.
 - (k) That Blocks "27", "28", "29", "32" and "33" be developed only in conjunction with abutting lands.

- (l) That the owner shall erect a sign in accordance with Section XI of the subsequent subdivision agreement prior to the issuance of a final release by the City of Hamilton.
 - (m) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
 - (n) That the subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-90027) Ferrell Builders Supply Limited and Adorn Investments Limited, owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
7. That approval be given to Zoning Application 90-94, Ferrell Builder's Supply Limited and Adorn Investments Limited, owners requesting changes in zoning from "R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "H" (Community Shopping and Commercial, etc.) District, modified to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to permit the development of the subject lands for "small lot" single-family detached houses, for the rear part of lands municipally known as 109 and 115 Highway No. 8, as shown on the attached map marked as Appendix "C", on the following basis:
- (a) That Block "1" be rezoned from "R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
 - (b) That Block "2" be rezoned from "H" (Community Shopping and Commercial, etc.) District, modified to "R-4" (Small Lot Single-Family Detached) District;
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-124 and E-125 for presentation to City Council;
 - (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

Note: The purpose of the by-law is to provide for changes in zoning for the rear part of lands municipally known as 109 and 115 Highway No. 8 on the following basis:

- (a) Block "1" - From R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) Block "2" - From "H" (Community Shopping and Commercial, etc.) District, modified to "R-4" (Small Lot Single-Family Detached) District.

The effect of the by-law is to permit the development of the subject lands for "small lot" single-family detached houses.

8. That approval be given to Zoning Application 90-95, Franco and Angela Fontana, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit future development for single-family dwellings in conjunction with adjacent lands owned by the applicant, for the rear portion of property municipally known as 852 West Fifth Street, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Map No. W9-B for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Note: The purpose of the By-Law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for the rear portion of property municipally known as 852 West Fifth Street.

The effect of the By-Law is to permit future development of the subject lands for single - family dwellings in conjunction with adjacent lands.

9. (a) That approval be given to Zoning Application 89-95, Diton Construction, owner, requesting a modification to the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations, to permit a residential care facility for a maximum of 12 residents for property located at 323 and 325 Wentworth Street North, as shown on the attached map marked as Appendix "E", on the following basis:
- (i) That the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:
 - (1.) That notwithstanding Section 10(1)(i) of By-law No. 6593, a residential care facility for the accommodation of not more than 12 residents shall be permitted within the existing building;
 - (2.) That notwithstanding Section 18A. Table 1.(1) of By-law No. 6593 a minimum of 2 parking spaces shall be provided and maintained.
 - (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1224, and that the subject lands on Zoning District Map E-12 be notated S-1224;
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-12 for presentation to City Council;
 - (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the amending By-law not be forwarded for passage by City Council until such time as:
- (i) the applicant enters into a lease agreement with the Canadian National Railway to provide for 3 off-street parking spaces for the residential care facility to the satisfaction of the City Solicitor; and,
 - (ii) the applicant has applied for and received site plan approval.

Note: The purpose of the By-law is to provide for a modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations applicable to property located at 323 and 325 Wentworth Street North.

The effect of the By-law is to permit an increase in the maximum capacity of the established residential care facility from 6 to 12 residents.

In addition, the By-law provides for a variance to permit 2 parking spaces to be provided and maintained whereas 4 parking spaces are required.

10.(a) That approval be given to Zoning Application 91-02, 789149 Ontario Inc., (Mrs. Karen Murphy), owner, for a modification to the "E-3" (High Density Multiple Dwellings) District regulations to permit an addition to the rear of the existing medical office/residential building located on adjacent lands at 132 Young Street (Block "2"), by adding properties municipally known as 126 and 128 Young Street (Block "1"), shown as Blocks "1" and "2" on the attached map marked as Appendix "F", on the following basis:

(i) That the "E-3" (High Density Multiple Dwellings) District regulations as contained in Section 11C of Zoning By-law No. 6593, as amended by By-law 89-83, applicable to the subject lands, be modified to include the following variances as special requirements:

(1.) In addition to the uses permitted in Section 11C.(1)(i) the following additional uses shall be permitted:

(a) medical offices on the first floor;

(b) 3 dwelling units on the second floor;

(c) storage, utilities/maintenance in the basement/cellar;

(d) One ground sign, wall sign, or projecting sign of an area of not more than 0.4 square metres (4.31 sq.ft.), non-illuminated or illuminated by non-flashing, indirect, or interior means only, located at least 1.5 metres (4.92 ft.) from the nearest street line in connection with any commercial use permitted in the district.

(2.) That notwithstanding Section 11C.(4) the uses listed under 1(a), 1(b) and 1(c) above shall be permitted within a building having a maximum gross floor area of 690 m²;

(3.) That notwithstanding Section 11C.(5) a minimum landscaped area of 20% of the area of the lot shall be provided and maintained;

(4.) That a minimum of 18 parking spaces and 1 - 9.0 m x 3.7 m x 4.3 m loading space shall be provided and maintained;

- (5.) That notwithstanding Section 18A.(11)(a) and 12(a) a landscaped planting strip having a minimum width of 0.8 m shall be provided and maintained along the westerly side lot line;
 - (6.) That a minimum 2.5 m wide landscaped planting strip excluding a driveway access, shall be provided and maintained along the front lot line of the westerly parking area;
 - (7.) That Sections 18A.(11), (12) and (26) shall not apply to the easterly parking area;
 - (8.) That a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the entire westerly side property line and the entire southerly rear lot line;
 - (9.) That notwithstanding Section 18A.1(f) manoeuvring space having an aisle width of not less than 5.3 m shall be provided and maintained for the easterly parking area.
 - (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1225, and that the subject lands on Zoning District Map E-5 be notated S-1225;
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;
 - (iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
 - (v) That the Corktown Neighbourhood Plan be amended by redesignating the subject lands from "High Density Apartments" to "Commercial and Apartments".
- (b) That By-law 89-83 be repealed in its entirety.

Note: The purpose of this By-law is to provide for a modification to the established "E-3" (High Density Multiple Dwellings) District regulations for property municipally known as 126, 128, and 132 Young Street, shown as Blocks "1" and "2".

The effect of the By-law is to permit a one storey addition to the rear of the existing medical office building at 132 Young Street (Block "2"). The existing dwellings located at 126 and 128 Young Street (Block "1") are to be demolished to permit the building addition.

In addition, the By-law provides for the following variances as special requirements:

- (a) To restrict the use of the building to medical offices on the first floor, 3 dwelling units on the second floor, storage, utilities/maintenance in the basement/cellar, and to permit a maximum gross floor area of 690 m²;
- (b) To permit one ground sign, wall sign, or projecting sign of an area of not more than 0.4 m² (4.31 sq.ft.), non-illuminated or illuminated by non-flashing, indirect or interior means only, located at least 1.5 metres (4.92 ft.) from the nearest street line in connection with any commercial use permitted in the district;
- (c) A minimum landscaped area of 20% of the area of the lot shall be provided and maintained, whereas 40% is required;
- (d) A minimum of 18 parking spaces and 1 - 9.0 m x 3.7 m x 4.3 m loading space shall be provided and maintained on-site, whereas 14 parking spaces are required;
- (e) A minimum 0.8 m wide landscaped planting strip shall be provided and maintained along the westerly side lot line, whereas a minimum 1.5 m wide landscaped planting strip is required along the boundary of the parking area adjoining a residential district;
- (f) A minimum 2.5 m wide landscaped planting strip, excluding a driveway access, shall be provided and maintained along the front lot line of the westerly parking area (Block "1");
- (g) No landscaped planting strip is to be provided along the easterly side lot line, whereas a minimum 1.5 m wide landscaped planting strip is required along the boundary of the parking area adjoining a residential district (previously approved By-law variance);
- (h) No 1.2 m to 2.0 m high visual barrier is to be provided and maintained along the easterly side lot line, whereas a visual barrier is required along the boundary of the parking area adjoining a residential district (previously approved By-law variance);
- (i) To require a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained along the entire westerly side property line and the entire southerly rear property line;

- (j) The easterly access driveway will abut the adjoining residential district boundary, whereas a minimum setback of 3.0 m is required (previously approved By-law variance);
- (k) The required manoeuvring space for the easterly parking lot shall be a minimum of 5.3 m in width, whereas a minimum of 6.0 m is required (previously approved By-law variance).

11. That leave be granted to introduce the following Bills:

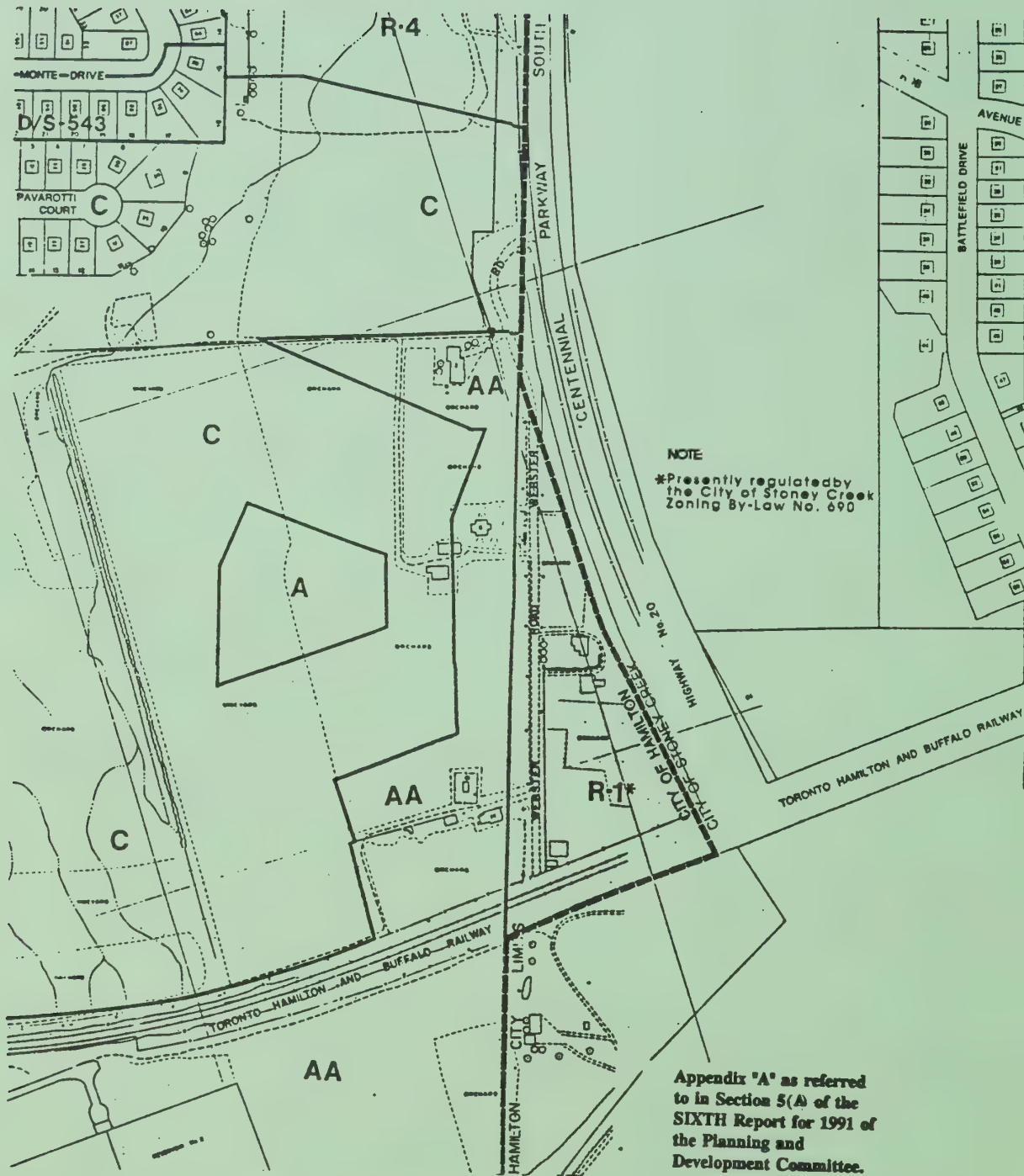
Bill No. C-23 A By-law to amend Zoning By-law No. 6593, respecting part of land located at Municipal No. 1605 Main Street East.

Bill No. C-24 A By-law to amend Zoning By-law No. 6593 and to repeal By-law No. 76-79 and By-law No. 89-106, respecting lands located on the south side of Landron Avenue between Upper Kenilworth Avenue and Locheed Drive.

Respectfully submitted,

ALDERMAN D. DRURY, ACTING CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1991 April 3



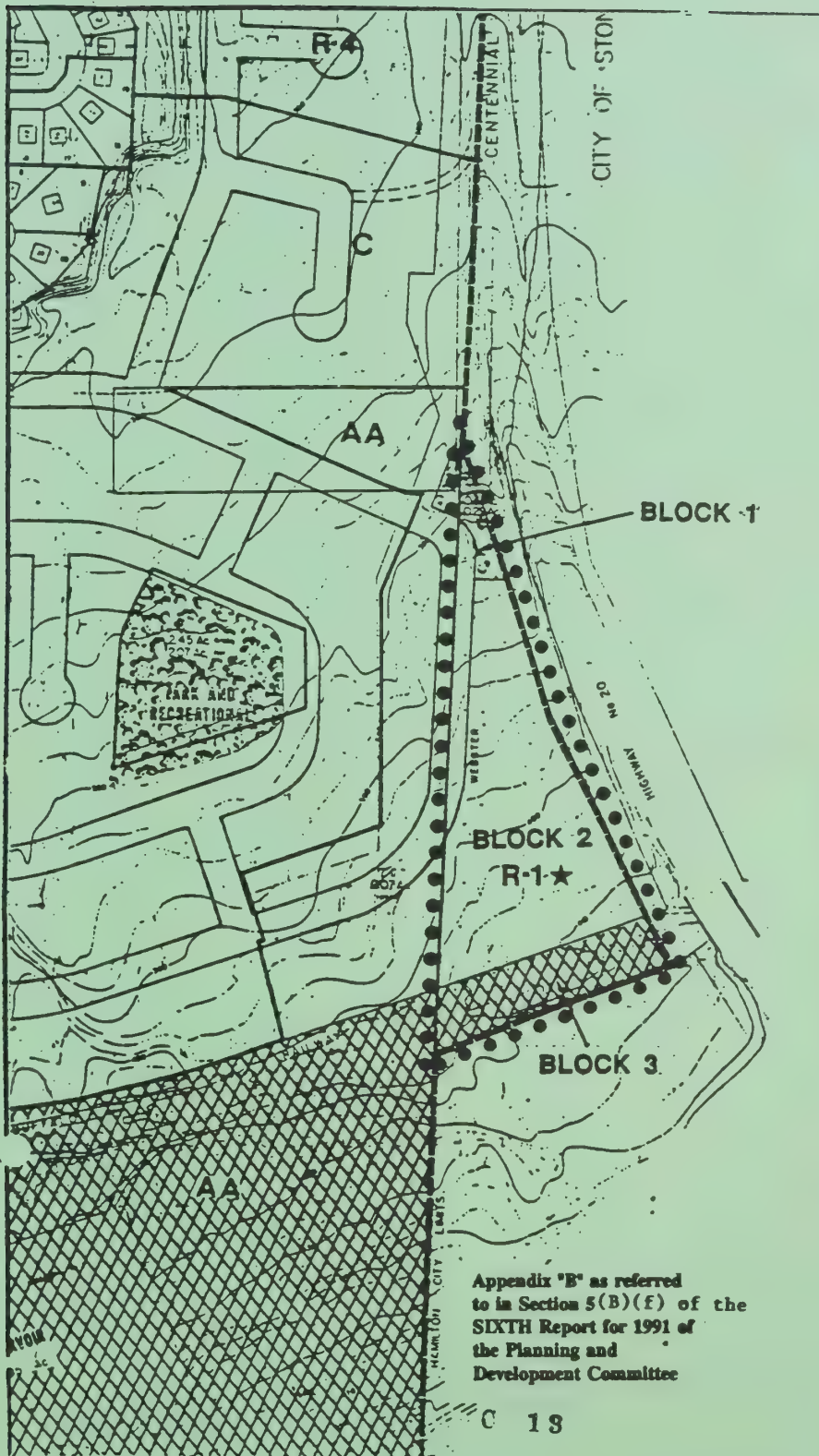
NOTE
 *Presently regulated by
 the City of Stoney Creek
 Zoning By-Law No. 690

Appendix "A" as referred
 to in Section 5(A) of the
 SIXTH Report for 1991 of
 the Planning and
 Development Committee.

Legend

 SUBJECT LANDS





LEGEND

PROPOSED NEIGHBOURHOOD PLAN DESIGNATIONS

• • • SUBJECT LANDS

LAND USE



BLOCK 1
OPEN SPACE



BLOCK 2
SINGLE & DOUBLE



BLOCK 3
UTILITIES

NOTE:

★ Presently regulated by the City of Stoney Creek Zoning By-Law No. 690

EXISTING POPULATION (1988) 1421

LAND USE

RESIDENTIAL



single & double



attached housing



low density apartments



medium density apartments



high density apartments



commercial & apartments



COMMERCIAL



INDUSTRIAL



CIVIC & INSTITUTIONAL



PARK & RECREATIONAL



OPEN SPACE



UTILITIES



COMM./RESIDENTIAL CONSERVA

Neighbourhood Boundary

zoning Boundary

Approvals

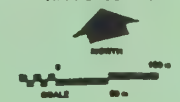
Planning Committee MAY 2, 1991 Council JUNE 11, 1991

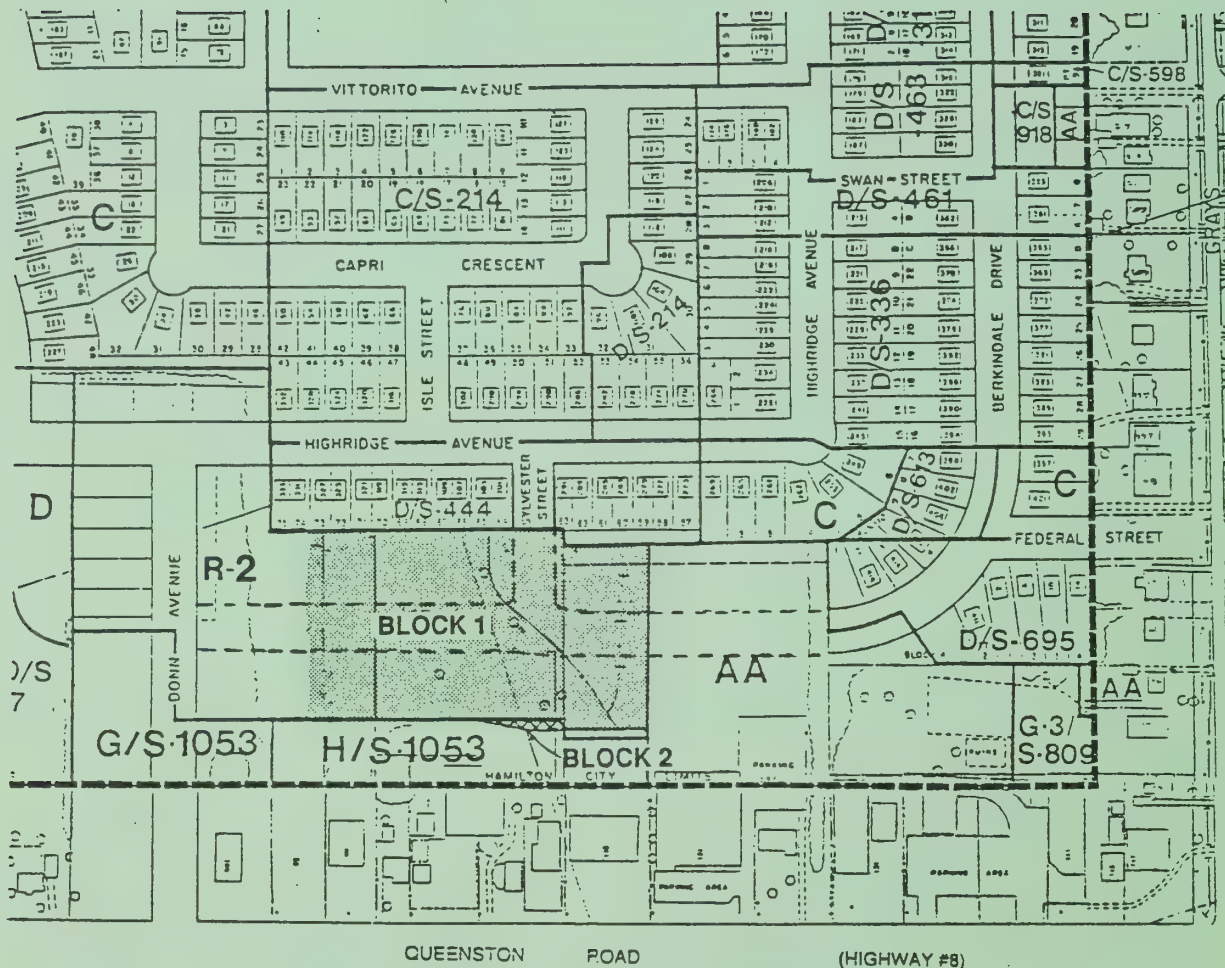
Latest Revision Date JANUARY 2, 1992

CITY OF HAMILTON
PLANNING DEPARTMENT

GERSHOME

APPROVED PLAN





Appendix "C" as referred
to in Section 7 of the
SIXTH Report for 1991 of
the Planning and
Development Committee

Legend

Proposed change in zoning from:



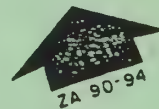
BLOCK 1

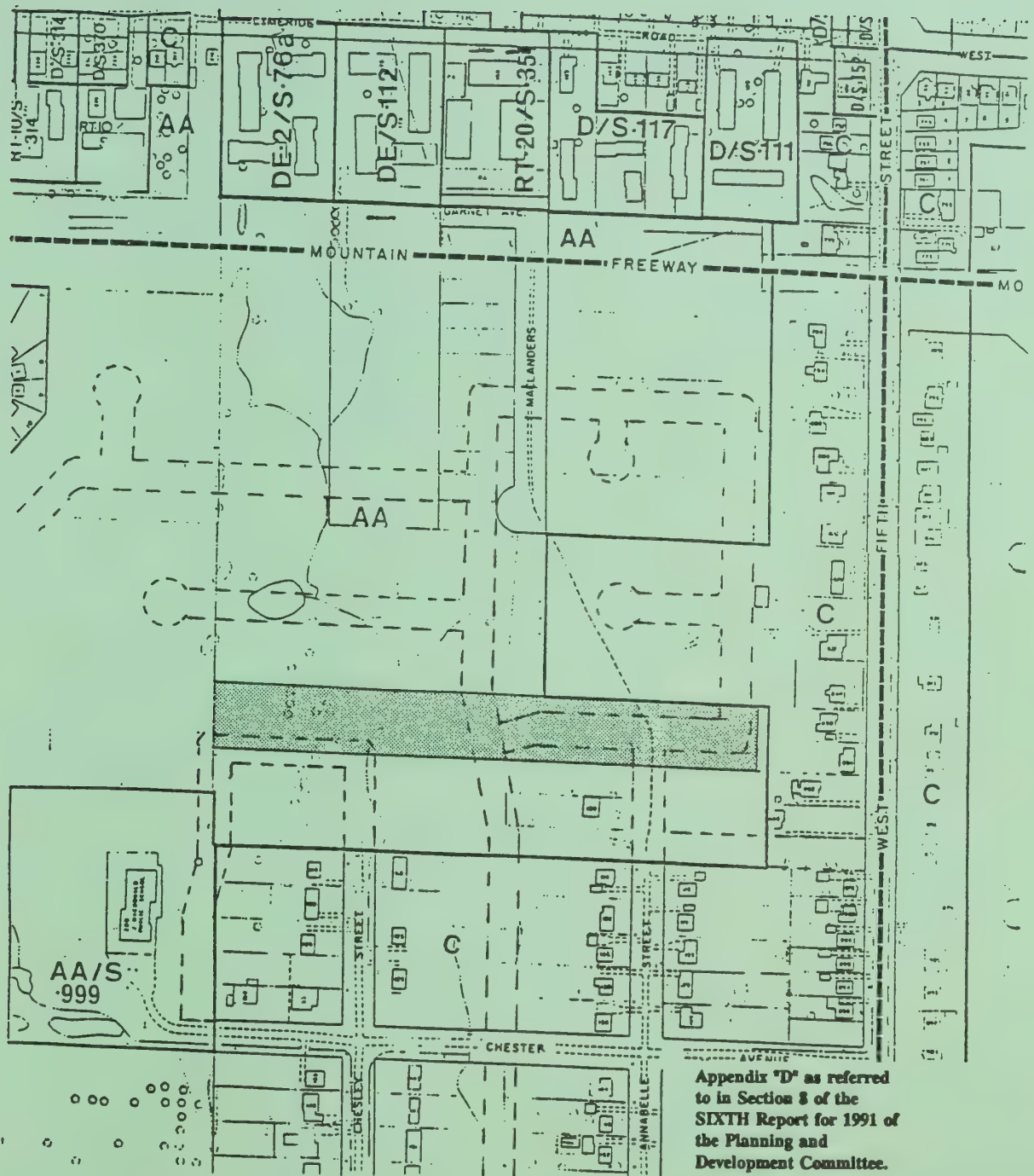
"R-2" (Urban Protected Residential-One and Two Family Dwelling, etc.) District to
"R-4" (Small Lot Single-Family Detached) District.



BLOCK 2

"H" (Community Shopping and Commercial, etc.) District, modified to
"R-4" (Small Lot Single-Family Detached) District.

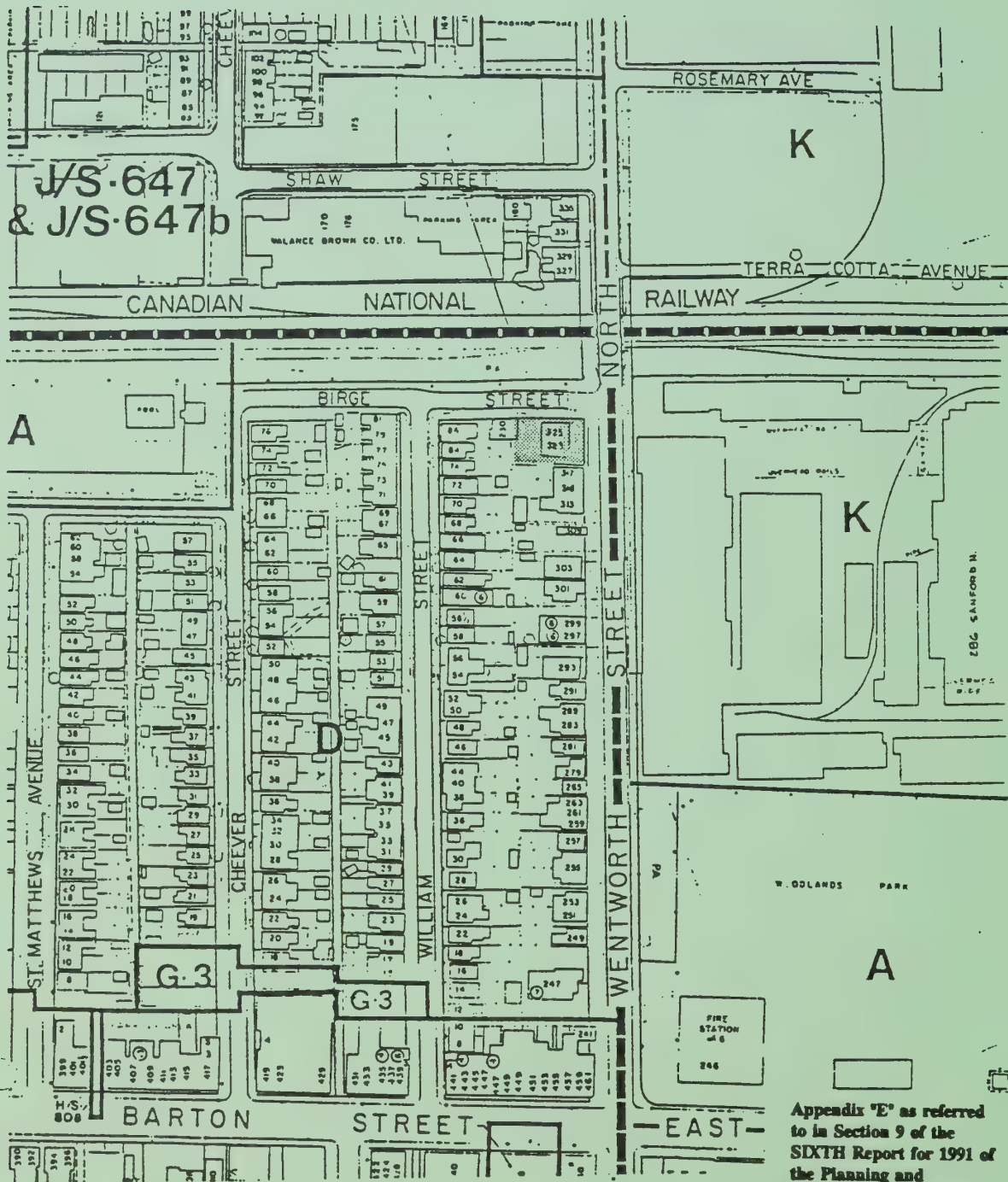




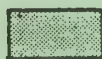
Legend



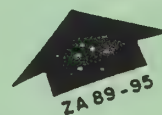
Site of the Application



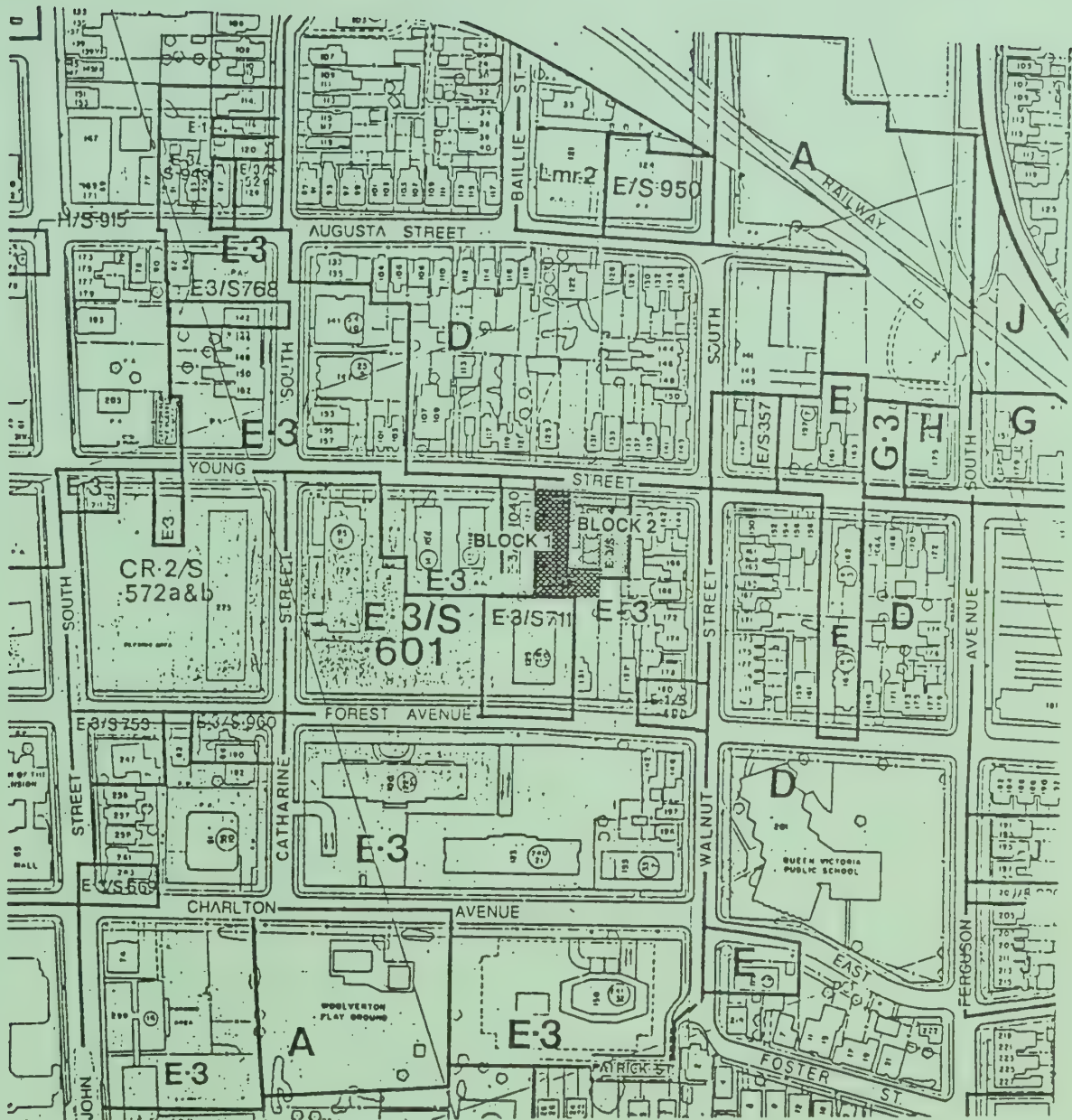
LEGEND



SITE OF THE APPLICATION






Appendix "E" as referred
to in Section 9 of the
SIXTH Report for 1991 of
the Planning and
Development Committee



Legend

Proposed change in zoning from:

- | | | |
|---------|---|---|
| BLOCK 1 |  | Modification to the "E-3" (High Density Multiple Dwellings) District. |
| BLOCK 1 |  | Site of the application |
| BLOCK 2 |  | |



Appendix "F" as referred
to in Section 10 of the
SIXTH Report for 1991 of
the Planning and
Development Committee

REPORT OF THE CITY OF HAMILTON LICENSING COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The City of Hamilton Licensing Committee presents its **SECOND** Report for 1991 and respectfully recommends:

1. For the information of members of City Council, the City of Hamilton Licensing Committee held a Show Cause Hearing on 1991 March 20 and 21 with regard to Second Level Lodging House Licence No. 44 held by Murphycare (Patrick Murphy), 98 Sherman Avenue South, Hamilton.

Witnesses appeared on behalf of the City of Hamilton Fire Prevention Bureau and Regional Municipality of Hamilton-Wentworth Health Department and gave evidence with regard to infractions of the Second Level Lodging House By-law No. 80-259 relating to fire safety, supervision and physical upkeep of the premises.

The Committee found these reports very troubling. However, in view of the fact that the home was meeting standards at the present time, and because of concerns for the well being of residents and the unfair disruption and impact upon their lives if the licence was suspended they agreed as follows:

1. That a one year probationary period be imposed upon Second Level Lodging House Licence No. 44 held by Murphycare (Patrick Murphy), 98 Sherman Avenue South;
2. That the relevant City and Regional Departments be requested to report any further breaches of the Second Level Lodging House By-law 80-259;
3. That if subsequent violations of the By-law occur which the Licensing Committee feels to be of a serious nature, particularly anything which would jeopardize the care or safety of residents, the applicant be called before the Committee for a Show Cause Hearing and probable revocation of the Licence.

RESPECTFULLY SUBMITTED

ALDERMAN T. COOKE, CHAIRMAN
CITY OF HAMILTON LICENSING
COMMITTEE

Stella Glover
Secretary

1991 March 21

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **EIGHTH** Report for 1991 and respectfully recommends:

1. That a purchase order be issued to Wyant & Co. Ltd., Scarborough, in the amount of \$55,092.10, plus GST and PST, being the lowest evaluated bid based on post consumer waste content of eight tenders received, for the supply and delivery of Janitorial Paper Products to Purchasing Stores, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Purchasing Stores Inventory Account No. 56103 28999.
2. That the City exercise its option to extend, until 1991 December 31, the existing purchase order with Shell Canada Inc., North York, to provide Gasoline and Diesel Fuels to various locations, originally approved by City Council 1990 March 27.
3.
 - (a) That permission be granted to the Ukrainian Canadian Congress to use the City Hall forecourt and related equipment for a Recognition Ceremony to mark the Fifth Anniversary of the Chernobyl tragedy in the Ukraine beginning at approximately 6:30 p.m. to be followed by a candlelight vigil on Friday, 1991 April 26.
 - (b) That the City Clerk be granted the authority to approve of a similar use in future years, provided it does not interfere with any other activity.
4.
 - (a) That permission be granted to the Organizing Committee for Earth Day activities in Hamilton-Wentworth to use the City Hall forecourt on Sunday, 1991 April 21 from 2:00 p.m. to 5:00 p.m. for a rally with entertainment to celebrate Earth Day 1991.
 - (b) That the City Clerk be granted the authority to approve of a similar use in future years, provided it does not interfere with any other activity.

5.
 - (a) That permission be granted to the Canadian Cancer Society to use the City Hall forecourt, washroom facilities and equipment on Sunday, 1991 April 28 from 10:00 a.m. to 6:00 p.m. for the Annual Great Ride to Beat Cancer.
 - (b) That the City Clerk be granted the authority to approve of a similar use in future years, provided it does not interfere with any other activity.
6.
 - (a) That permission be granted to the Royal Canadian Air Cadets to use the City Hall forecourt and related equipment on Sunday, 1991 April 07 from 1:00 p.m. to 3:30 p.m. for the Royal Canadian Air Cadet Parade and Review.
 - (b) That the City Clerk be granted the authority to approve of a similar use in future years, provided it does not interfere with any other activity.
7.
 - (a) That the Mayor be authorized to issue a proclamation declaring Sunday, 1991 April 28 as a "Day of Mourning" for workers who have been injured or killed on the job.
 - (b) That permission be granted to the Hamilton and District Labour Council C.L.C. to use the City Hall forecourt on Sunday, 1991 April 28 at 11:00 a.m. for a ceremony to commemorate the "Day of Mourning" in Hamilton and Region.
 - (c) That the City Clerk be granted authority to approve of a similar use of the forecourt in future years.
8. That Item 19 of the Twenty-seventh Report of the Finance and Administration Committee, adopted by City Council on 1990 December 11, to authorize the lease to the City of the former Bay/King dealership site at the southwest corner of Bay Street and King Street West, be amended as follows:
 - (a) That an interim lease commence on or about 1991 May 01 to 1991 November 30 and continue thereafter on a month to month basis until approval of the Ontario Municipal Board is received to a long term lease of this site to the City;
 - (b) That a long term lease of this site to the City commence within 30 days of receipt of O.M.B. approval to the lease provided such approval is received on or before 1992 May 01;

- (c) That the long term lease continue for a term that shall expire on 1996 March 31 (for a leasing to the City in total of approximately four years, seven months - 1991 May 01 to 1996 March 31);
 - (d) That the long term lease include provisions provided for in the Offer to Lease negotiated by the Hamilton Parking Authority, which was attached as Appendix "B" to Item 19 referred to above and paragraphs 1, 3 and 6 of Schedule "C", which was attached as Appendix "C" to said Item 19, as amended by this resolution and the former King Street showroom shall not be cleared from the site by the City until after O.M.B. approval is received to the long term lease.
 - (e) That the Mayor and City Clerk be authorized to execute in a form satisfactory to the Parking Authority and to the City Solicitor, documents listed as follows: an Amending Agreement with the lessors to amend the original Offer to Lease to provide for the leasing to the City in accordance with the foregoing; - the interim lease authorized above; as well as (once the O.M.B. approval is received) the long term lease authorized above.
 - (f) That the City Solicitor be authorized to apply to the Ontario Municipal Board for approval of the proposed long term for the period 1991 December 01 to 1996 March 31.
- 9. (a) That approval be given to the action taken by the Finance and Administration Committee in providing an amount of \$1,200. to host a civic reception for the Ontario Municipal Employees Coordinating Council Annual Conference which was held in the City of Hamilton 1991 April 4 to 6.
 - (b) That this expenditure be charged to Special Civic Receptions and Delegation Hosting Account No. CH55314 84010.
- 10. (a) That the first set of 1991 General Grant recommendations as outlined in Appendix "A" attached hereto with a total recommended grant amount of \$203,180. as shown in Column 3, be approved.
 - (b) That these grants be funded from within the appropriate Grant Account No.'s CH 5AXXX 20XXX.

NOTE: All the applicants outlined in Appendix "A" have been notified of the recommendation and on that basis have not requested an appeal.

11. That leave be granted to introduce the following Bill:

Bill H-11 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

**ALDERMAN B. HINKLEY, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

John Thompson, Secretary
1991 April 04

CITY OF HAMILTON

APPENDIX A

Page 1

1991 GENERAL GRANT SUBMISSIONS

<u>NAME OF ORGANIZATION</u> (1)	<u>AMOUNT</u> <u>REQUESTED</u> (2)	<u>RECOMMENDED</u> <u>AMOUNT</u> (3)	<u>ARTS ADVISORY</u> <u>RECOMMENDATION</u> (4)	<u>1990</u> <u>GRANT</u> (5)	<u>Purpose/Comments</u> (6)
1. The Advertising & Sales Club of Hamilton	\$2,000.00	\$ 1,260.00	N/A	\$1,200.00	- Annual Civic Awards night
2. Bay Area Jazz Society	\$2,000.00	\$1,000.00	\$1,000.00		- Offset costs of 3rd annual Jazz festival
3. Canadian Orpheus Male Choir	\$7,000.00	\$2,000.00	\$3,500.00		- Offset operating costs
4. Catholic Youth Organization (CYO)	\$13,322.00	\$12,810.00	N/A	\$12,810.00	- Offset operating costs
5. The Dictionary of Hamilton Biography	\$15,000.00	\$5,000.00	N/A	\$5,000.00	- Offset publication costs of Volume II
(Hamilton-Wentworth Creative Arts Inc.)					
6. Earthsong & Canada Day Celebrations	\$70,000.00	\$42,000.00	\$70,000.00	\$80,000.00	- Offset annual festival costs for all Festivals
7. Environmentalists of the Year Dinner Committee	\$1,190.00	\$1,100.00	N/A	\$1,050.00	- Offset annual dinner costs
8. (Hamilton-Wentworth Creative Arts Inc.) Festival of Friends	\$80,000.00	\$42,000.00	\$80,000.00	See Item #6	- Offset annual festival costs
9. First Place Hamilton	\$10,500.00	\$6,500.00	N/A	\$6,500.00	- Offset Seniors recreational Programs
10. The Grecian Festival	\$10,000.00	\$2,000.00	0		- Offset annual festival costs

CITY OF HAMILTON

APPENDIX A

Page 2

1991 GENERAL GRANT SUBMISSIONS

<u>NAME OF ORGANIZATION</u> (1)	<u>AMOUNT REQUESTED</u> (2)	<u>RECOMMENDED AMOUNT</u> (3)	<u>ARTS ADVISORY RECOMMENDATION</u> (4)	<u>1990 GRANT</u> (5)	<u>PURPOSE/COMMENTS</u> (6)
11. Hamilton Children's Choir	\$700.00	\$700.00	\$700.00	\$700.00	- Offset operational costs
12. Hamilton Community Concert Association	\$10,000.00	\$1,000.00	\$1,000.00	\$3,320.00	- Offset operational costs
13. Hamilton & District Baseball Association	\$12,500.00	\$5,000.00	N/A	\$5,000.00	- Offset operational costs
14. Hamilton and District Labour Council	\$1,000.00	\$1,000.00	N/A	\$1,000.00	- Offset Labour Day
15. Hamilton Gallery of Distinction	\$7,500.00	\$5,000.00	N/A		- Offset costs of awards night
16. Hamilton Hurricanes Football Club	\$2,000.00	\$2,000.00	N/A	\$2,200.00	- Offset rental costs of H.A.A.A.
17. Hamilton Kiwanis Music Festival	\$2,700.00	\$2,630.00	\$2,700.00	\$2,500.00	- Offset annual festival costs
18. Hamilton Ladies Selects Soccer Club	\$1,000.00	\$530.00	N/A	\$500.00	- Offset operating costs
19. Hamilton Minor Football Association	\$37,634.42	\$15,750.00	N/A	\$15,000.00	- Offset operating costs
20. The Hamilton Safety Council	\$23,000.00 + audit costs	\$23,000.00	N/A	\$23,000.00	- Offset operating costs
21. Hamilton-Stoney Creek Skating Club	\$10,000.00	\$2,000.00	N/A	\$500.00	- Offset operating costs
(Parent Sponsoring Committee of)					
22. 150 Hamilton Tiger Squadron Air Cadets	\$2,000.00	\$1,500.00	N/A		- Offset operating costs

CITY OF HAMILTON
1991 GENERAL GRANT SUBMISSIONS

NAME OF ORGANIZATION (1)	AMOUNT REQUESTED (2)	RECOMMENDED AMOUNT (3)	ARTS ADVISORY RECOMMENDATION (4)	1990 GRANT (5)	PURPOSE/COMMENTS (6)
23. Junior Achievement	\$7,500.00	\$7,500.00	N/A	\$7,500.00	- Offset operating costs
24. National Youth Orchestra Association of Canada	\$500.00	\$500.00	\$500.00	\$500.00	- Offset operating costs
25. The Navy League of Canada	\$1,500.00	\$1,500.00	N/A	\$1,500.00	- Offset operating costs
26. (Ontario Blind Golfers Association) Ontario Visually-Impaired Golfers Corp.	\$2,000.00	\$2,000.00	N/A	\$1,700.00	- Offset golf costs
27. RHLI The Royal Hamilton Light Infantry (Wentworth Regiment) - Museum	\$3,000.00	\$2,000.00	N/A		- Offset costs of expanding display units, computerize collection records
28. Ridge Raiders Drum and Bugle Corps	\$15,000.00	\$5,000.00	\$4,900.00		- Offset operating costs
29. Roxborough PARC East End Multi-Service Centre	\$505.00	\$500.00	N/A		- Offset costs sound proof moveable dividing wall for Senior's Centre
30. Regional Association of Co-ordinators of Volunteers (St. Elizabeth Visiting Nurses' Assoc.)	\$10,802.00	\$8,400.00	\$ N/A	\$8,000.00	- Annual volunteer recognition reception
	\$361,853.42	\$203,180.00	\$164,300.00	\$179,480.00	

K. J. WATSON
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK



THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

TEL: 546-2700
FAX: 546-2095

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, April 30, 1991
7:30 o'clock p.m.
Council Chambers, City Hall**

AGENDA

1. Opening Prayer

Pastor John Graham
Bethel Deaf Tabernacle

2. Proclamations

- (a) Hearing Awareness Month, May 1991
- (b) Schizophrenia Awareness Week, May 4 to May 11, 1991
- (c) The Salvation Army Red Shield Month, May 1991
- (d) Elizabeth Fry Week, May 6 to May 11, 1991
- (e) Flowers of Hope Week, May 12 to May 18, 1991
- (f) National Forest Week, May 5 to May 11, 1991

URBAN MUNIC. AL
APR 30 1991
GOVERNMENT DOCUMENTS

3. Minutes

April 9, 1991

4. Petitions and Correspondence

5. Reports of the Standing Committees

- (a) Transport and Environment Committee
- (b) Parks and Recreation Committee
- (c) Planning and Development Committee
- (d) Information Systems Committee
- (e) Licensing Committee
- (h) Finance and Administration Committee

6. Notices of Motion for Next Meeting

7. First Reading of the Bills

8. Second Reading of the Bills - Committee of the Whole

9. Third Reading of the Bills

10. Question Period

11. Adjournment

M I N U T E S

April 9, 1991

**Hamilton City Council
April 9, 1991
7:30 o'clock p.m.
Council Chamber, City Hall**

The Council met.

Present: Mayor R. M. Morrow.

Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Copps,
Wilson, Agostino, Lombardo, Formosi, Jackson, Gallagher,
Murray, Ross.

Absent: Alderman Hinkley - Illness
Alderman Merling - Vacation

His Worship Mayor Robert M. Morrow called the meeting to order.

* * * * *

The Reverend James Styles, St. George's Anglican Church led the Council in prayer.

* * * * *

Mayor Morrow proclaimed April 21 to April 27, 1991 "Volunteer Week" in the City of Hamilton and presented a proclamation to Mr. D. McLean and Mrs. I. McIntyre.

Mayor Morrow proclaimed April 7 to April 13, 1991 "Building Regulations Awareness Week" and presented a proclamation to Mr. P. Lampman, Deputy Building Commissioner.

Mayor Morrow proclaimed April 15, 1991 "Mission Services Day" and presented a proclamation to Mrs. Sharon Robinson.

Mayor Morrow acknowledged Mr. B. Brattina's participation in the pending 1991 Boston Marathon and on behalf of City Council wished him well and presented him with a "City of Hamilton" book and city flag.

* * * * *

The minutes of the meetings held March 26, 1991 and April 2, 1991 (special meeting) were taken as read and approved.

* * * * *

April 9, 1991

The following correspondence was received and dealt with as follows:

1. Application dated March 22, 1991 from 627791 Ontario Inc., Juergen Lebrecht, President, 469 Wilson Street East, Ancaster, Ontario for a change in zoning from "M-14" (Prestige Industrial) District to "C" (Urban Protected Residential, etc.) District for property at 64 Ewen Road.

Received.

2. Letter dated March 27, 1991 from K. E. Avery, City Clerk respecting an objection to By-law No. 91-11 respecting property at 125 Napier Street and 55 Queen Street North, Hamilton, Ontario. (previously distributed)

No Action.

3. Letter dated April 5, 1991 from Mr. J. Henderson Nurre, Chairman, CariCan Festival respecting the relocation to the 1991 CariCan Festival from Dundurn Park.

Received.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that Council move into Committee of the Whole to consider the Reports of the Parks and Recreation Committee, the Planning and Development Committee, the Licensing Committee, the Finance and Administration Committee and the Nominating Committee, with Alderman Jackson in the chair.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Gallagher, Murray, Ross. -15.

NAYS: 0.

CARRIED.

* * * * *

April 9, 1991

PARKS AND RECREATION COMMITTEE - SEVENTH REPORT.

Section 2 Re: CariCan Festival - Dundurn Park

Recorded vote.

YEAS: Aldermen Cooke, McCulloch, Lombardo, Formosi, Gallagher, Murray,
Ross. -7.

NAYS: Mayor Morrow, Aldermen Kiss, Agro, Drury, Copps, Wilson Agostino,
Jackson. -8. LOST.

* * * * *

Section 10 added Re: CariCan Festival - Dundurn Park

It was moved by Alderman Drury and seconded by Mayor Morrow

RESOLVED: That the following be added as Section 10 of the Seventh Report of
the Parks and Recreation Committee:

10. That authority be given to the Director of Culture and Recreation to advise the organizers of the CariCan Festival and Parade to relocate the 1992 event from Dundurn Park to a location that is mutually acceptable by the City and the organizers of the CariCan Festival and for the 1991 Festival; and that for the 1991 Festival:
 - (a) all heavy equipment and trucks be restricted to the paved roadside only and
 - (b) all music and sound systems be directed by Festival and Parks staff so as not to impact on the Castle or residents in the vicinity of the Park, and
 - (c) the CariCan Festival Organizing Committee submit a site plan by July 15, 1991 suitable to Culture and Recreation Department staff.

April 9, 1991

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Murray, Ross. -12.

NAYS: Aldermen Agro, McCulloch, Gallagher. -3.

CARRIED.

* * * * *

Section 11 added Re: Ban of Festivals in Dundurn Park

It was moved by Alderman Gallagher and seconded by Alderman McCulloch

RESOLVED: That the Seventh Report of the Parks and Recreation Committee be amended by adding the following as Section 11.

11. That all major festivals and activities be banned from Dundurn Park effective 1992.

It was moved by Alderman Agostino and seconded by Alderman Lombardo

RESOLVED: That Alderman Gallagher's resolution to add Section 11 to the Parks and Recreation Committee respecting the banning of major festivals in Dundurn Park, effective 1992, be referred to the Parks and Recreation Committee.

CARRIED.

* * * * *

PARKS AND RECREATION COMMITTEE - EIGHTH REPORT.

Section 3 Ivor Wynne Stadium Turf Replacement.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Lombardo, Formosi, Jackson, Gallagher, Murray, Ross. -12.

NAYS: Aldermen Copps, Wilson, Agostino. -3.

CARRIED.

* * * * *

April 9, 1991

PLANNING AND DEVELOPMENT COMMITTEE - SIXTH REPORT.

Section 11 Re: Introduction of Bills.

It was moved by Alderman Agro and seconded by Alderman McCulloch

RESOLVED: That Rule No. 8 of Procedural By-law 82-203 be invoked for this meeting of City Council, in order to consider a resolution dealing with the introduction of (2) Zoning By-laws. CARRIED.

* * * * *

It was moved by Alderman Agro and seconded by Alderman McCulloch

RESOLVED: That the following be added to Section 11 of the Sixth Report for 1991 of the Planning and Development Committee:

Bill No. C-25: A By-law to amend Zoning By-law No. 6593 respecting lands located at the northeast corner of Jackson Street East and Ferguson Avenue South.

Bill No. C-26: A By-law to amend Zoning By-law No. 6593 respecting lands located at Municipal Nos. 206-210 Jackson Street East.

CARRIED.

Alderman Cooke declared personal interest in, took no part in the debate and refrained from voting on Bill C-25. Alderman Cooke's employer, the March of Dimes provides support services for the owners of the property in question.

* * * * *

April 9, 1991

LICENSING COMMITTEE - SECOND REPORT

Section 1 Re: Show Cause Hearing - Second Level Lodging Home - 98 Sherman Ave. S.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Wilson, Agostino, Lombardo, Formosi, Jackson, Gallagher, Murray, Ross. -14.

NAYS: Alderman Copps. -1.

CARRIED.

* * * * *

FINANCE & ADMINISTRATION COMMITTEE - EIGHTH REPORT.

Section 2 Re: Purchase Order - Shell Canada Inc. to provide gasoline and diesel fuels

Alderman Kiss declared personal interest in, took no part in the debate and refrained from voing on this matter. A family member of Alderman Kiss's is employed by Shell Canada.

* * * * *

Section 10 Re: Grant - Theatre Aquarius

It was moved by Alderman Agostino and seconded by Alderman Agro

RESOLVED: That Section 10 of the Eighth Report of the Finance and Administration Committee be amended by adding the following as No. 31 to Appendix "A":

31. Name of Organization: Theater Aquarius
Amount Requested: \$50,000
Recommended Amount \$42,000
Arts Advisory Recommendation: \$50,000
1990 Grant: \$40,000
Purposes/Comments: Offset operating costs

and that the total figures in Section 10 and Appendix "A" be adjusted accordingly.

CARRIED.

April 9, 1991

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Wilson, Agostino, Lombardo, Formosi, Murray. -10.

NAYS: Aldermen Cooke, Copps, Jackson, Gallagher, Ross. -5. CARRIED.

* * * * *

Recorded vote on Section 10 re: Grants as amended.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Murray, Ross. -14.

NAYS: Alderman Gallagher. -1. CARRIED.

* * * * *

Section 12 added Re: Publication in Commemorative Program - Lincoln M. Alexander Appreciation Luncheon

It was moved by Alderman Ross and seconded by Alderman Murray

RESOLVED: That Rule No. 8 of Procedural By-law 82-203 be invoked for this meeting of City Council in order to consider a resolution regarding a commemorative program for an appreciation luncheon for His Honour, Lincoln M. Alexander who is retiring as Lieutenant Governor of Ontario. CARRIED.

It was moved by Alderman Ross and seconded by Alderman Murray

RESOLVED: That the following recommendation be added to the **EIGHTH** Report of the Finance and Administration Committee as Section 12:

12. (a) That the City of Hamilton purchase a half page in the commemorative program for the appreciation luncheon being arranged for Colonel The Honourable Lincoln M. Alexander on Sunday, 1991 April 21 who is retiring as Lieutenant Governor of Ontario after six years of distinguished service at a cost of \$750.

April 9, 1991

- (b) That the cost to place this special message in the commemorative program be financed from Advertising Account No. CH56302 12001.

* * * * *

CARRIED.

Section 13 added Re: Appointment of R. Wheeler to Football Hall Fame Selection Comm.

It was moved by Alderman Murray and seconded by Alderman Lombardo

RESOLVED: That Rule No. 8 of Procedural By-law 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the appointment of a member to the Football Hall of Fame Selection Committee. CARRIED.

It was moved by Alderman Murray and seconded by Alderman Lombardo

RESOLVED: That the following be added as Section 13 of the Eighth Report of the Finance and Administration Committee:

Whereas a vacancy now exists on the Football Hall of Fame and Museum Selection Committee; and Whereas Mr. Reg Wheeler who is a member of the Football Hall of Fame and Museum Committee, holds a wealth of background and knowledge of the Canadian Football League;

Therefore be it resolved that the Council of the City of Hamilton respectfully requests that Mr. Reg Wheeler be appointed as a Member of the Football Hall of Fame Selection Committee;

and that the Canadian Football League give consideration to this matter at its earliest convenience.

* * * * *

April 9, 1991

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the Report of the Committee of the Whole on the Reports of the the Parks and Recreation Committee, the Planning and Development Committee, the Licensing Committee, the Finance and Administration Committee, the Nominating Committee and resolutions, be adopted.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Gallagher, Murray, Ross. -15.

NAYS: 0. **CARRIED.**

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the following Bills be now read a first time:

C-23, C-24, C-25, C-26.

H-11.

Alderman Cooke declared personal interest in, took no part in the debate and refrained from voting on Bill C-25. Alderman Cooke's employer, the March of Dimes provides support services for the owners of the property in question.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Gallagher, Murray, Ross. -15.

NAYS: 0. **CARRIED.**

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that Council move into Committee of the Whole to consider the following Bills, with Alderman Jackson in the chair. (second reading)

April 9, 1991

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Gallagher, Murray, Ross. -15.

NAYS: 0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the Report of the Committee of the Whole on the following Bills, be adopted. -

C-23, C-24, C-25, C-26.

H-11.

Alderman Cooke declared personal interest in, took no part in the debate and refrained from voting on Bill C-25. Alderman Cooke's employer, the March of Dimes provides support services for the owners of the property in question.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Gallagher, Murray, Ross. -15.

NAYS: 0.

CARRIED.

* * * * *

April 9, 1991

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

C-23, C-24, C-25, C-26.

H-11.

Alderman Cooke declared personal interest in, took no part in the debate and refrained from voting on Bill C-25. Alderman Cooke's employer, the March of Dimes provides support services for the owners of the property in question.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Gallagher, Murray, Ross. -15.

NAYS: 0.

CARRIED.

* * * * *

City Council then adjourned at 10:10 o'clock p.m.

* * * * *

CORRESPONDENCE

1. Resolution dated April 5, 1991 from the Corporation of the City of Windsor respecting regulations to control whistling at Railway crossings.

Recommendation: Be Referred to the Transport and Environment Comm.

2. Letter dated April 11, 1991 from the Hamilton and District Labour Council respecting a resolution of the United Steelworkers in Elliot Lake that Ontario Hydro purchase all its uranium ore from Elliot Lake mines.

Recommendation: Be Referred to the Finance and Administration Committee.

3. Letter dated April 11, 1991 from the Hamilton and District Labour Council respecting a resolution regarding "Open Skies" - Free Trade in Airline Industry.

Recommendation: Be Referred to Regional Council.

4. Application dated April 5, 1991 from 766284 Ontario Limited, Alan Goulding, Oakville, Ontario for a change in zoning from "AA" (Agricultural) District and "G-3" (Public Parking Lots) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District for 141 Highway No. 8., Hamilton, Ontario.

Recommendation: Be Received.

5. Application dated April 5, 1991 from Dr. J. Mah, Hamilton, Ontario for a change in zoning from "C" (Urban Protected Residential etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified for 674 Upper James Street, Hamilton, Ontario.

Recommendation: Be Received.

6. Application dated April 5, 1991 from William Zolis, Hamilton, Ontario for a modification to the "M-13" (Prestige Industrial) District for 1175 Stone Church Road East, Hamilton, Ontario.

Recommendation: Be Received.

7. Application dated April 5, 1991 from Rymal Square, Hamilton, Ontario for a further modification to the "G-4" (Designed Neighbourhood Shopping Area) District for No. 30 Rymal Road East, Hamilton, Ontario.

Recommendation: Be Received.

8. Application dated April 16, 1991 from John F. Petis, Hamilton, Ontario for a change in zoning from "D" (Urban Protected Residential - One and Two Family Townhouses, etc.) District to "E-3" (High Density Multiple Dwellings) District for 180-188 Wilson Street, Hamilton, Ontario.

Recommendation: Be Received.

9. Application dated April 17, 1991 from Luciano DiMarcantonio, Hamilton, Ontario for a modification to the "M-14" (Prestige Industrial) District for property at 90 Lancing Drive, Hamilton, Ontario.

Recommendation: Be Received.

10. Application dated April 17, 1991 from Landmart Building Corp., Hamilton, Ontario for a change in zoning from "L-r" (Planned Development - Low Density Residential) District and "Lmr-1" (Planned Development - Multiple Residential) District to "C" (Urban Protected Residential, etc.) District for the west of Centennial Parkway North between Eastgate Court and Fairington Crescent, Hamilton, Ontario.

Recommendation: Be Received.

11. Application dated April 17, 1991 from 483466 Ontario Ltd. c/o Jerome Calzonetti, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for 845-867 Rymal Road East, Hamilton, Ontario.

Recommendation: Be Received.

12. Application dated April 17, 1991 from Mary O. Velenosi, Hamilton, Ontario for a change in zoning from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District for 82 Christie Street, Hamilton, Ontario.

Recommendation: Be Received.

13. Application dated April 17, 1991 from Carlo Del Sordo, Hamilton, Ontario for a modification to the "M-14" (Prestige Industrial) District for 135 Nebo Road, Hamilton, Ontario.

Recommendation: Be Received.

14. Application dated April 24, 1991 from Rudy Kozell, Renmax Realty and Investment Corporation, Hamilton, Ontario for a modification to the "D" (Urban Protected Residential - One and Two Family Townhouses, etc.) District for 77 Graham Street, Hamilton, Ontario.

Recommendation: Be Received.

THE CORPORATION OF THE
CITY OF WINDSOR

THOMAS W. LYND, M.A., A.M.C.T.
CITY CLERK



OFFICE OF THE CLERK

PHONE: (519) 255-6212
255-6215

FAX: (519) 255-6868

IN REPLY, PLEASE REFER
TO OUR FILE NO. MN T/91

April 5, 1991

TO ALL ONTARIO CITIES AND TOWNS:

Windsor City Council at its meeting held March 25, 1991 adopted the following resolution:

"403/91 WHEREAS railway companies and municipalities are now exposed to increasing liability at public crossings when seeking relief from whistling at fully protected crossings, which did not exist prior to the passing of the new Railway Safety Act, 1989 and the adoption of the "Transport Canada Railway Safety Directorate Guidelines Number 1 (Procedures and Conditions for Eliminating Whistling at Public Crossings)";

THEREFORE BE IT RESOLVED that the Minister of Transport Canada BE PETITIONED to review the present legislation and remove municipalities and railway companies from exposure to liability by reverting to the procedures for obtaining anti-whistling approval under the previous Railway Safety Act and further, that this resolution BE FORWARDED to all Ontario municipalities, the Municipal Engineers Association, the Canadian Pacific Railway, the Canadian National Railway, the Essex Terminal Railway and the local Members of Parliament for their support and endorsation."

Windsor City Council has been frustrated recently in its attempt to institute regulations to control whistling at railway crossings in the City, since the railway is reluctant to seek an inspection by a Transport Canada Railway Safety Inspector. The above resolution requests that the existing legislation be modified to revert to the previous situation where railway companies were not exposed to liability. This change will allow for the interests of local citizens to be protected and the liability of railways minimized.

Your support of Council's position and interventions to the Minister of Transport Canada will be appreciated.

Yours very truly,

Thomas Lynd
City Clerk *per ll*

TL/11



HAMILTON and DISTRICT LABOUR COUNCIL C.L.C.

1025 Barton Street East, Hamilton, Ontario L8L 3E3 • 547-2944

President Bryan Adamczyk

Secretary George Irvine

2

April 11, 1991

Keith Avery, City Clerk
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Avery:

We the membership of the Hamilton and District Labour Council ask for your endorsement of the recent resolution of the United Steelworkers in Elliot Lake that Ontario Hydro purchase all its uranium ore from Elliot Lake mines. By doing so, this will keep more jobs in the Province and ensure that Denison Mines will not close entirely and will give some security to jobs in the Elliot Lake, Blind River and North Shore Communities.

We also ask that City Council send a letter to the Provincial Government and to Ontario Hydro with regards to this matter.

Sincerely,

Geo Irvine
per Permit

George Irvine
Recording Secretary

GI/pjs
Encl.

EliotLk3.let

opeiu-343

REFERRAL

REFER RESOLUTION 3-7 back with instructions that a working group of New Democrats meet immediately to develop a comprehensive plan for the long-term viability of Elliot Lake, Blind River and the other communities on the North Shore.

The elements of this planning process should include:

- an acknowledgement of the ONDP stand on 100% uranium sourcing in Ontario;
- the importance of maintaining mining jobs to provide an economic base for Elliot Lake;
- the urgent need for diversification in Elliot Lake and North Shore communities;
- the need to maintain the tax base and community infrastructure of the area;
- the provision of jobs for Elliot Lake workers through the rehabilitation of radioactive mine tailings;
- a commitment to fairness to workers and communities affected by economic upheaval.

This New Democratic Party working group shall be composed of representatives of the Steelworkers, the local community and Bob Mackenzie, Bud Wildman, Shelley Martel, Jenny Carter, Floyd Laughren and Ruth Orier.

(OVER)



HAMILTON and DISTRICT LABOUR COUNCIL C.L.C.

1025 Barton Street East, Hamilton, Ontario L8L 3E3 • 547-2944

President Bryan Adamczyk

Secretary George Irvine

April 11, 1991

3

Keith Avery, City Clerk
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Avery:

The membership of the Hamilton and District Labour Council are asking for your support and endorsement of the enclosed resolution.

The present Canadian government's policy on OPEN SKIES will eliminate the airline industry in this Country; and in turn, will increase unemployment and higher welfare roles.

This is only an extension of the Free Trade Agreement which has caused high unemployment figures in this City and Region, since being brought into being.

By accepting this government's OPEN SKIES policy, it will totally eliminate any chance Hamilton Civic Airport has of becoming a fully-fledged International Airport.

Sincerely,

Geo Irvine
per Pomick

George Irvine
Recording Secretary

GI/pjs
Encl.

OpenSkys.let

opeiu-343

SAMPLE RESOLUTION TO MUNICIPAL COUNCILS

On "Open Skies" Deal - Free Trade in Airline Industry

- WHEREAS: The proposed "Open Skies" deal announced by the federal transport minister on October 3, 1990 would implement free trade in the airline industry; and
- WHEREAS: "Open Skies" would reinforce north-south ties and further erode the essential east-west transportation links that bind our country together; and
- WHEREAS: It is naive to believe Canadian carriers can compete with the American mega-carriers which have considerable cost advantages and under-utilized fleets; and
- WHEREAS: The All Party Special Parliamentary Committee's unanimous report to the transport minister warns "Open Skies" would have a devastating impact on the Canadian airline industry; and
- WHEREAS: Days after the "Open Skies" announcement Air Canada and Canadian Airlines announced massive layoffs to better position themselves to compete with American carriers under the proposed treaty; and
- WHEREAS: The treaty would further deregulate the airline industry, leading to more corporate concentration through mergers, takeovers and bankruptcies, lower standards, and may even allow cabotage--the unrestricted right of U.S. carriers to carry passengers between Canadian cities; and
- WHEREAS: Canada can improve air links with U.S. cities by negotiating improvements to the current bi-lateral agreement to obtain more city pairs with a fairer share of routes to Canadian carriers; therefore
- BE IT RESOLVED: This municipal council lobby the federal transport minister to abandon his plans for "Open Skies", and instead adopt a Canadian strategy in negotiations to update the bilateral agreement with the U.S. with the goal of obtaining more city pairs with a fairer share of economic benefits for Canadian carriers.

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its **SEVENTH** Report for 1991 and respectfully recommends:

1. That City Council enact the appropriate By-law in accordance with the authorization contained in Item 12 of the 10th Report of the Transport and Environment Committee and Item 15 of the 20th Report of the Finance and Administration Committee, both adopted by City Council on July 31, 1990 in order to authorize additional expenditures for the construction of local improvements on concrete sidewalks on Upper Paradise Road from Stone Church Road to Lunner Avenue.
2. That a blanket purchase order, not to exceed \$185,392., including GST and PST, be issued to Niagara Paints & Chemical Co. Ltd., Hamilton, being the lowest acceptable of six (6) tenders received, for the supply and delivery of Traffic Paint as and when required during 1991 by the Traffic Department, in accordance with specifications issued by the Manger of Purchasing and Vendor's tender, and that this expenditure be financed from Traffic Pavement Markings Materials Account No. 56153 75999.

NOTE: As painting season is commencing within the next few weeks and the Transport and Environment Committee will not meet until April 22, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

3. That the Law Department be authorized to take necessary action to recover the costs of \$1,660. from the property owners, James and Maria Davies, of 111 St. Clair Avenue, to replace the health municipal tree which was removed from the road allowance by these property owners without authorization.

4. That an Option to Purchase executed by Michel Alcid Garon and Debra Ann Garon on March 6, 1991 and scheduled for closing on or before June 24, 1991 for the purchase of part of the property at 891 Queenston Road, more particularly described as part of Lot 23, Concession 2, formerly in the Township of Saltfleet, now in the City of Hamilton, be approved and completed. Subject parcel measures 20 metres (65.6 feet), by a depth of 23.51 metres (77.1 feet) and is required for the extension of Berkindale Drive. The purchase price of \$2. is to be charged to Account No. CH5X303 00107 (Reserve for City's Share of Services through Unsubdivided Lands).

5.
 - (a) That an Option to Purchase, executed by R. James Rushlow, President of Erabuilt Design & Construction Inc. on March 26, 1991, and scheduled for closing on or before June 24, 1991, for the purchase of part of the property at 864 Upper Wentworth Street, required for the extension of Fieldway Drive, be approved and completed. The subject property contains 4,448 square feet (413.2 square metres) and is shown as Parts 19 and 20 on Plan 62R-11054.

 - (b) That consideration in the amount of \$2. has been paid to the owners and forms part of the purchase price.

 - (c) That the purchase price of \$105,500. is to be charged to Account No. CH5X303 00107 (Reserve for Services through Unsubdivided Lands - Land Acquisition), in which sufficient funds are available to finalize this transaction.

6. That approval be given to authorize the City Solicitor to proceed with expropriation of the following properties required for the extension of Fieldway Drive from Fieldway Drive to Millwood Place.

<u>Property</u>	<u>Owner</u>
(a) Part of 106 Fieldway Drive Parts 1 and 2, Plan 62R-11054	Mrs. Fiorina Merone 760 Mohawk Road West Apartment 409 Hamilton, Ontario L9C 6P6
(b) Part of 832 Upper Wentworth Street Parts 3 and 4, Plan 62R-11054	Mr. Mike Kim 365 Cumberland Avenue Hamilton, Ontario L8M 2A5
(c) Part of 836 and 840 Upper Wentworth Street Parts 5, 6, 7 and 8, Plan 62R-11054	Barbara Pinto, In Trust c/o 20 Golfdale Place Ancaster, Ontario L9G 4A4

7.
 - (a) That the City of Hamilton renew the lease with Cara Operations Limited for the City owned lands on the north-west corner of Queenston Road and Kenora Avenue, known as 771 Queenston Road, along with a closed portion of Kenora Avenue, comprised of an area of 1,754 square metres (18,874 square feet), more or less, for the period December 10, 1990 to December 9, 1992 at a rental rate of \$18,874. per annum plus realty taxes (\$7,538.67 for 1990).
 - (b) That the City Solicitor be authorized to prepare the necessary lease for this location.
 - (c) That the Mayor and City Clerk be authorized to execute the Lease Agreement.
8.
 - (a) That an Offer to Purchase Agreement executed by Marc Corrin and Carol Corrin on March 4, 1991, for the purchase of a portion of the East/West Alley from East 38th Street to North/South Alley, and scheduled to close 60 days after the enactment of a by-law to sell the closed portion of said alley, be accepted and completed. The purchase price of \$1. to be credited to Account No. CH5X303 00102 - Reserve for Property Purchases. The subject parcel is shown as Part 1 on Plan 62R-11097 and comprises a total area 528 square feet (49.05 square metres) more or less.
 - (b) That an Offer to Purchase Agreement executed by Mr. Peter Emery on February 26, 1991, for the purchase of a portion of the East/West Alley from East 38th Street to North/South Alley, and scheduled to close 60 days after the enactment of a by-law to sell the closed portion of said alley, be accepted and completed. The purchase price of \$1. to be credited to Account No. CH5X303 00102 - Reserve for Property Purchases. The subject parcel is shown as Part 2 on Plan 62R-11097 and comprises a total area of 160 square feet (14.86 square metres) more or less.
 - (c) That an Offer to Purchase Agreement executed by Mr. Donald Wilds and Donald Wilds Jr., on March 4, 1991, for the purchase of the East/West Alley from East 38th Street to North/South Alley, and scheduled to close 60 days after the enactment of a by-law to sell the closed portion of said alley, be accepted and completed. The purchase price of \$1. to be credited to Account No. CH5X303 00102 - Reserve for Property Purchases. The subject parcel is shown as Part 3 on Plan 62R-11097 and comprises a total area of 150 square feet (13.9 square metres) more or less.

9. (a) That Offers to Purchase the closed road allowance of Holland Avenue, executed by the following abutting owners, be approved and completed:

	Part on Plan 62R-10568	Area	Purchaser	Purchase Price	Deposit
(i)	2,3,22,23, 26,27,30, 31,34 and 35	619.98 sq. m. (.153 ac.)	Adisco Limited	\$23,250.	\$2,300.
(ii)	6	40.76 sq. m. (.01 ac.)	Dominic Carnicelli	\$1,500.	\$100.
(iii)	15 and 19	167.30 sq. m. (.041 ac.)	Dominic Carnicelli in Trust	\$6,300.	\$600.
(iv)	16	196.20 sq. m. (.048 ac.)	839891 Ontario Inc.	\$7,300.	\$700.
(v)	17	104.05 sq. m. (.025 ac.)	Yiannoulla Mouskas	\$3,900.	\$300.
(vi)	18	111.48 sq. m. (.027 ac.)	Adisco Limited in Trust	\$4,200.	\$400.

All of the above transactions are scheduled for closing thirty (30) days after the enactment of a by-law to sell the closed road allowance of Holland Avenue.

It is understood and agreed that the City will reserve an easement to enter upon Parts 2, 3, 22, 23, 26, 27, 30, 31 and 34 inclusive on Plan 62R-10568 to undertake (at any time within three (3) years of the scheduled completion date of the finished roads in plan of subdivision for Aquino Gardens Phase 1) modifications to the surface drainage of the said Parts 2, 3, 22, 23, 26, 27, 30, 31 and 34 inclusive as the case may be, in accordance with the Grading plan therefore, approved by the Regional Commissioner of Engineering. Said easement shall enure to the benefit of the Transferor, its successors and assigns and shall be binding upon the Transferee or its heirs, executors and administrators, successors and assigns (as the case may be).

The certified deposit cheques in the total amount of \$4,400. are being held by the City Treasurer pending approval of these transactions.

- (b) That an Option to Purchase, executed by Tony Di Silvestro, President of Adisco Ltd, on March 20, 1991 and scheduled for closing on or before June 17, 1991 for the purchase of part of Parcel B, Holland Survey, Registered Plan 909, shown as Parts 12, 13 and 14 of Plan 62R-10568, containing 6.1 square metres (65.6 square feet) for the sum of \$2., be approved and completed. Subject parcel is required for the extension of Butler Drive.
10. That the City of Hamilton's Public Works Department be authorized to proceed with the removal of a 28 inch diameter Silver Maple tree located on the west side of Balmoral Avenue between King Street East and Main Street East.
11. That the applications for Inadvertent Encroachment Agreements as outlined on Schedule "A", appended hereto, be approved during the pleasure of Council provided:
- (a) That the owners enter into agreements satisfactory to the City Solicitor to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.
 - (b) That the Mayor and City Clerk be authorized to sign and execute all necessary documents to implement these agreements.
 - (c) That a first year fee and a subsequent annual fee as determined in Schedule "A" be set for this privilege.
12. (a) That the estimated costs of services in:
- **Peace Manor, Hamilton**
City Share - \$24,946.99, Subdivider's Share - \$119,857.98
- be adopted for inclusion in the Subdivision Agreement with the owner.
- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreement between the City and the respective owner.

- (c) That the approval of the above clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision agreement have been registered.
 - (d) That in the event the Subdivider wishes to proceed prior to the registration of the Final Survey Plan, he should be permitted to do so at his own risk, provided that he enters into a Standard Agreement for Pre-Servicing.
 - (e) That the City's share of the cost of service for this development \$24,946.99 be approved, and that the Finance and Administration Committee recommend the source of funding.
 - (f) That the City Solicitor be authorized and directed to prepare the necessary By-law(s) to incorporate the 0.305 metre reserve owned by the City of Hamilton adjacent to the north limit of Peace Manor, as shown as Block "F" on Registered Plan M-62, into the Glen Forest Drive road allowance after the plan of subdivision for "Peace Manor" has been registered.
 - (g) That the City Solicitor be authorized and directed to prepare the necessary By-law (s) to incorporate the 0.305 metre reserve adjacent to the south limit of Peace Manor as Reserve "A" on Registered Plan Number 1421, into the Glen Forest road allowance after the plan of subdivision for "Peace Manor" has been registered.
13. (a) That the estimated cost of services in:
- Elia Heights (Phase 1) (formerly Eleanor Estates)**
City's Share - NIL - Subdivider's Share \$43,195.
- be adopted for inclusion in the Subdivision Agreement with the owner.
- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreement between the City and the respective owner.
 - (c) That the approval of the above clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision agreement have been registered.
 - (d) That in the event of the Subdivider wishes to proceed prior to the registration of the Final Survey Plan, he should be permitted to do so at this own risk, provided that he enters into a Standard Agreement for Pre-Servicing.

14. (a) That the estimated costs of services in:

Annabelle Subdivision, Hamilton
City Share - \$9,653.71, Owner's Share - \$123,984.57

be adopted for inclusion in the Modified Subdivision Agreement with the Owner.

- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Modified Subdivision Agreement between the City and the Owner.
- (c) That approval of the above clauses be subject to the condition that no work be commenced until the Final Reference Plan and Modified Subdivision Agreement have been registered.
- (d) That in the event the Owner wishes to proceed prior to registration of the Final Reference Plan, he should be permitted to do so at his own risk provided that he enters into a Standard Agreement for Pre-Servicing.
- (e) That the City's share of costs for services in this development (\$9,653.71) be approved, and that the Finance and Administration Committee recommend the source of funding for this project.
15. That the Parkinson Foundation - Hamilton Chapter be permitted to display a promotional banner across Main Street West in front of City Hall, from Monday, April 19, 1993 to Monday, April 26, 1993 with the following message:

Parkinson's Disease Awareness Week - April 19-25/93
529-3139

16. (a) That the roadway construction of MacLennan Avenue between Upper Wentworth Street and East 23rd Street be proceeded with as a Local Improvement pursuant to Section 12 of the Local Improvement Act, at an estimated gross cost of \$136,425. as provided for in the 1991 portion of the 1991-1995 Capital Budget as City's share (\$66,347.) and Owner's share (\$70,078.);
- (b) That the Finance and Administration Committee be requested to recommend a source of funds for this Capital Project; and

- (c) That the City Clerk and City Treasurer be directed to give the necessary notice of the Council's intention to undertake these works; and
 - (d) That the Commissioner of Transportation/Environmental Services be authorized and directed to construct these works on behalf of the City of Hamilton, once all the necessary approvals have been received.
17. (a) That the construction of an independent concrete sidewalk on the southwest corner of Stone Church Road and Upper Wentworth Street be proceeded with as a Local Improvement pursuant to Section 12 of the Local Improvement Act, at an estimated gross cost of \$20,990., as provided for in the 1991 portion of the 1991 - 1995 Capital Budget with a City share of \$1,760. and a maximum Property Owner's share of \$19,230.;
- (b) That the Finance and Administration Committee be requested to recommend a source of funds for this Capital Project; and
 - (c) That the Acting Commissioner of Engineering be authorized to construct these works on behalf of the City of Hamilton, once all the necessary approvals have been received.

NOTE: The actual cost of the work, if less than \$20,990., would be distributed between the property owners and the City at a ratio of 1923:176.

18. (a) That the West Central Branch of the Ontario Ministry of the Environment (MOE) be advised that the City of Hamilton has no objection to PPM Canada Inc. carrying out the proposed PCB destruction for Hamilton Hydro-Electric System at 450 Nebo Road in Hamilton provided that all environmental safeguards normally associated with this type of activity are implemented to the satisfaction of the Ministry, and that all applicable City of Hamilton and Regional By-laws are complied with fully;
- (b) That the thirty (30) day notification period that is normally required after a Certificate of Approval is issued by the MOE be waived so that the proposed work can be carried out as scheduled;
 - (c) That no specific permits are required for the proposed work.

19.
 - (a) That the West Central Branch of the Ontario Ministry of the Environment (MOE) be advised that the City of Hamilton has no objection to Sanexen International carrying out the proposed PCB destruction for Asea Brown Boveri Inc. at 1600 Burlington Street East in Hamilton provided that all environmental safeguards normally associated with this type of activity are implemented to the satisfaction of the Ministry, and that all applicable City of Hamilton and Regional By-laws are complied with fully;
 - (b) That the thirty (30) day notification period that is normally required after a Certificate of Approval is issued by the MOE be waived so that the proposed work can be carried out as scheduled;
 - (c) That no specific permits are required for the proposed work.
20.
 - (a) That the Commissioner of Transportation/Environmental Services be authorized and directed to issue a purchase order to Jaychris Indus-Rail Supply Incorporation for \$17,000. to purchase the Hi-Rail rubber crossing materials for Cannon Street at Glendale Avenue, C.P. Rail crossing.
 - (b) That the expenditures be financed from City Account No. 57409-52010 (Specific Maintenance).
21. That the action of the Commissioner of Engineering in authorizing the application of the Acme Excavating Company to temporarily close Upper Wentworth Street between Concession and Alpine on Thursday, March 28, 1991 from 7:00 a.m. to 3:00 p.m. and Monday, April 1, 1991 from 7:00 a.m. to approximately 6:30 p.m. to install sanitary and storm sewers, subject to the following conditions:
 - (a) That temporary road closure signs be installed in advance by the City of Hamilton Traffic Department if deemed appropriate, on the affected roadways at the expense of the applicant;
 - (b) That the applicant ensure that clean-up operations will be carried out immediately before the re-opening of the roads, at no cost to the City;
 - (c) That the applicant provide proof of \$2,000,000. public liability insurance, naming the City as an added insured party with a provisions for cross liability, and holding the City harmless from all action, causes of actions, interest, claims, demands, costs, damages, expenses and loss;

- (d) That the applicant reimburse the Regional Police Department, Regional Engineering Department, City of Hamilton Traffic Department and any other agency for any costs incurred by these agencies as a result of this closure;
 - (e) That no property owner or resident with the barricaded area be denied access to their property if requested;
 - (f) That all property owners and tenants along the closed portion of the road be notified of the closure by the applicant at least two (2) days prior to the closure in a form acceptable to the Commissioner of Engineering.
22. That the City convey Part of Part 1, Plan 62R-11664 to the Region for road widening purposes on Stone Church Road East and in return accept Parts 12 and 13 of Plan of Plan 62R-11664 from the Region, for roadway purposes along DiCenzo Drive south of Stone Church Road East and that the Mayor and City Clerk be authorized and directed to execute all required documents for the said conveyance.
23. (a) That the City of Hamilton advise the Ministry of the Environment that it concurs with the Environmental Assessment prepared for the Go Transit Service Expansion Program;
- (b) That Go Transit be requested to continue to work with the City of Hamilton in the design of the TH&B Station and the pedestrian links in the area;
- (c) That Go Transit be encouraged to increase the frequency of service to the TH&B Station as quickly as feasible.
24. (a) That the Senior Director, Roads Department be authorized to design and construct a 250 mm diameter storm drain and ditch inlet at the north end of West Park Avenue between municipal no's. 41 and 45 West Park Avenue at an estimated cost of \$6,600.
- (b) That the above works be constructed subject to the cost sharing by the Hamilton Region Conservation Authority, and the two adjacent home owners at an amount of 15% each, for a total of 45% of the estimated value of the project.
- (c) That the estimated City of Hamilton share of \$3,600. be charged to the Current Budget Account No. CH55318-52025 (Catch Basin Construction).

25. (a) That, in accordance with Section 70 of the Police Act, the following persons be appointed as Parking Control Officers:

Mr. Stephen D. McFarland
Mr. Craig J. Saunders

- (b) That the previous list of personnel appointed as Parking Control Officers be revised by deleting the following name:

Mr. Garry S. Flynn

26. That the Province of Ontario be requested to amend the Regional Municipality of Hamilton-Wentworth Act. R.S.O. 1980, Chapter 437, to allow the Councils of the Area Municipalities to pass Traffic By-law amendments for roadways under the jurisdiction and control of the Area Municipalities, with subsequent approval by the Regional Council, but to exempt by-laws regulating parking, stopping and stop sign control of intersections from Regional approvals.

27. (a) That School Crossing Guards be removed from the following locations:

Mohawk Road and Moxley Drive
Weir Street and Vansitmart Avenue
Barton Street and Ruth Street
Inverness Avenue and Elcho Street
Britannia Avenue and McLaren Avenue
Emerson Street and Sussex Street
Guildwood Drive and Upper Horning Road
Emerald Street and Stinson Street

- (b) That a School Crossing Guard be assigned to the intersections of Barton Street and Ruth Street and Mohawk Road and Moxley Drive in September 1991, for an appropriate phase out period, to direct children to cross at the nearby traffic signals and;

- (c) That the existing crosswalks and "No Stopping" clearances remain in place at Weir Street and Vansitmart Avenue, Inverness Avenue and Elcho Street, Britannia and McLaren Avenue, Emerson Street and Sussex Street, Guildwood Drive and Upper Horning Road, and Emerald Street and Stinson Street and;

- (d) That City By-law 89-72 be amended accordingly and;
 - (e) That the use of guards during the lunch time crossing periods be discontinued at the following School Crossing Guard locations:
28. That the Director of Traffic Services be authorized to issue, upon request, one time limit exemption permit to Ms. Kathy Szigeti, 203-87 Duke Street.
29. That the Director of Traffic Services be authorized to issue, upon request, one Time Limit Exemption Permit to each of the first three applicants residing in the apartment building at No. 255 James Street North.
30. That the City Traffic By-law 89-72 be amended to provide the following:
- (a) That the existing "Three Hour Parking Time Limit, 8:00 a.m. to 8:00 p.m., Monday to Friday" regulation on the north side of Gertrude commencing at Depew Street and extending to a point 261 feet westerly therefrom, be replaced with a "One Hour Parking Time Limit, 8:00 a.m. to 8:00 p.m., Monday to Friday" regulation, and
 - (b)
 - i. That the existing "No Stopping" regulation on the west side of Moxley Drive which commences at Mohawk Road and extends to a point 113 feet southerly therefrom, be shortened, such that the regulation commences at Mohawk Road and extends to a point 65 feet southerly therefrom; and
 - ii. That a "No Parking" regulation be implemented on the west side of Moxley Drive commencing at Rideau Crescent and extending to a point 122 feet northerly therefrom; and
 - (c) That a "Three Hour Parking Time Limit, 24 hours a day, Monday to Saturday", regulation be implemented on both sides of East 27th Street between Mohawk Road and Seeley Avenue; and
 - (d) That the existing "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be replaced by a "One Hour Parking Time Limit, 24 hours per day, Monday to Saturday" regulation on both sides of West Avenue North between Evans Street and Cannon Street; and

- (e) That the existing "Two Hour Parking Time Limit, 8:00 a.m. to 8:00 p.m., seven days a week" regulation on the west side of Lottridge Street between Barton Street and Clinton Street, be removed; and
- (f)
 - i. That the existing "Alternate Side Parking" regulation on Scott Street between Gainsborough Road and the south end be removed; and
 - ii. That the parking be prohibited on the west side of Scott Street between Gainsborough Road and the south end; and
- (g)
 - i. That a "Permit Parking" regulation be implemented on the south side of Napoli Drive commencing at a point 254 feet north of Guildwood Drive and extending to a point 25 feet easterly therefrom; and
 - ii. That the Director of Traffic Services be authorized to issue, upon request, one parking permit to Mr. A. Fuller, 113 Napoli Drive; and
- (h) That a "No Stopping, Wheelchair Loading Zone, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation be implemented on the east side of West Avenue South commencing at a point 76 feet north of Hunter Street East and extending to a point 20 feet northerly therefrom; and
- (i) That northbound traffic on Southwood Drive be required to stop for eastbound and westbound traffic on Margate Avenue; and
- (j) That northbound traffic on Lawnview Drive be required to stop for eastbound and westbound traffic on Lawnhurst Drive; and
- (k)
 - i. That southbound traffic on Merrilee Crescent be required to stop for eastbound and westbound traffic on Rockview Avenue; and
 - ii. That eastbound traffic on Rockview Avenue be required to stop for northbound and southbound traffic on Crerar Drive; and
- (l)
 - i. That an "Alternate Side Parking" regulation be implemented on Merrilee Crescent between Rockview Avenue and the west limits such that parking is prohibited;
 - on the south and west sides of the street during the months of December, January, February and March and from the 1st to the 15th of April, May, June, July, August, September, October, and November; and

- on the north and east sides of the street from the 16th to the last day of April, May, June, July, August, September, October, and November; and
 - ii. That an "Alternate Side Parking" regulation be implemented on Rockview Avenue between Crerar Drive and Sirente Drive such that parking is prohibited;
 - on the north side of the street during the months of December, January, February and March and from the 1st to the 15th of April, May, June, July August, September, October, and November; and
 - on the south side of the street from the 16th to the last day of April, May, June, July, August, September, October and November; and
 - (m) That three way stop control be implemented at the intersection of Berkindale Drive and Swan Street.
31. (a) That a traffic signal be installed at the intersection of Albright Road and Mount Albion Road;
- (b) That Mount Albion Road be constructed to accommodate left turn lanes;
- (c) That final approval of (a) and (b) be subject to a submission of a staff report detailing works to be completed and estimated costs of works (presently estimated at \$60,000. for lights and \$100,000. for left turn lanes);
- (d) That subsequently the Finance and Administration Committee be requested to recommend the method of financing.
32. That leave be granted to introduce the following Bills:
- (a) **Bill A-29** By-law to authorize additional expenditure for the construction of local improvements of concrete sidewalks on Upper Paradise Road between Stone Church Road and Lunner Avenue.
 - (b) **Bill A-30** To amend By-law No. 89-72 to Regulate Traffic

(c) **Bill A-31** To amend By-law No. 89-72 to Regulate Traffic.

Respectfully Submitted,

**ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

T. Agnello
Secretary

April 22, 1991

SCHEDULE "A"

City Council Date: _____

<u>Location</u>	<u>Type of Encroachment</u>	<u>Solicitor/Agent</u>	<u>Fees 1st Year/Annual</u>	<u>File No.</u>
173 Balmoral Ave. N.	Wood Steps (3.0' x 1.35')	Scoccia & Castura Barristers, Solicitors, Notaries Public 263 John Street South Hamilton, Ontario L8N 2C9	\$105.00/\$20.00	T103-50(928)
272 Hunter St. W.	Portion of a Building (0.27' x 24.50')	Harrington & Harrington Barristers, Solicitors, Notaries Public 550 Concession Street Hamilton, Ontario L8V 1A9	\$105.00/\$20.00	T103-50(925)
274 Hunter St. W.	Portion of a Building (0.32' x 25.90')	Harrington & Harrington Barristers, Solicitors, Notaries Public 550 Concession Street Hamilton, Ontario L8V 1A9	\$105.00/\$20.00	T103-50(926)
270 Hunter St. W.	Portion of a Building (0.22' x 33.60')	Harrington & Harrington Barristers, Solicitors, Notaries Public 550 Concession Street Hamilton, Ontario L8V 1A9	\$105.00/\$20.00	T103-50(929)

REFERRED TO IN ITEM 11 OF
THE SEVENTH REPORT OF THE
TRANSPORT AND ENVIRONMENT
COMMITTEE

SCHEDULE "A"

<u>Location</u>	<u>Type of Encroachment</u>	<u>Solicitor/Agent</u>	<u>Fees 1st Year/Annual</u>	<u>File No.</u>
1015 Barton St. E.	Doors Swinging out onto Road Allowance of Rosslyn Avenue North (2.5')	Ladislav Kratky Architects Inc. 11 Lavinia Ave., Suite 101 Toronto, Ontario M6S 3H6	\$105.00/\$20.00	T103-50(923)
9 Holton Ave.	Portion of a Building (0.65' x 55.4')	Henry P. Steponaitis Barrister & Solicitor 1613 Bloor Street West Toronto, Ontario M6P 1A6	\$105.00/\$20.00	T103-50(909)
448 Main St. W.	3 Canopies (3.0' x 5.3') (3.0' x 5.3') (4.0' x 7.4') A Bay Window (2.0' x 4.0') Paving Stones and Retaining Wall (8.5' x 18.5' x 0.5') onto the Road Allowance of New Street	Petrinz, Rubenstein & Waxman Barristers & Solicitors 242 James Street South Hamilton, Ontario L8P 3B3	\$112.00/\$48.00	T103-50(918)

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **NINTH** Report for 1991 and respectfully recommends:

1. That permission be granted to the Hamilton-Wentworth Creative Arts to sell alcoholic beverages in the Dundurn Park pavilion on the occasion of the Earthsong Festival being held in Dundurn Park, 1991 June 28 to July 1 inclusive, subject to the following terms and conditions:
 - (a) That proof of \$2 million Comprehensive Liability Insurance for Property Damage and Bodily Injury be provided, same to be submitted 30 days in advance of the event and naming the City as co-insured.
 - (b) That the applicant assume responsibility for all labour related charges associated with the event, (set-up, dismantling, clean-up, etc.).
 - (c) That alcoholic beverages be served in the confined area of the pavilion (beer and wine only).
 - (d) That the applicant adhere to all regulations stipulated by the Liquor Licence Board of Ontario in the provision of alcoholic beverages.
 - (e) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.

NOTE: Permission was granted by City Council at its meeting of 1991 March 26 to Hamilton-Wentworth Creative Arts to hold this event in Dundurn Park.

2.
 - (a) That pursuant to Parks By-law No. 77-221, the Hamilton and District Labour Council be granted permission to sell food and alcoholic beverages on the occasion of their Labour Day Picnic, to be held Monday, 1991 September 2 at Dundurn Park, subject to the following terms and conditions:
 - (i) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as co-insured be provided.
 - (ii) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.)
 - (iii) That alcoholic beverages be served in the confined area of the Pavilion.
 - (iv) That the applicant adhere to the regulations stipulated by the Liquor Licence Board of Ontario in the provision of alcoholic beverages.
 - (v) That a special duty officer as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.
 - (b) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
3.
 - (a) That \$160,000.00 be transferred from the Reserve for Parkland Acquisition Account Centre No. CH00201 to the Keith Neighbourhood Priority Park Acquisition Account No. CF5590 628650010. This transfer will allow for the acquisition of the final properties necessary to complete the land assembly required for this Priority Park.
 - (b) That \$44,000.00 be transferred from the Reserve for Parkland Acquisition Account Centre No. CH00201 to the Beasley Neighbourhood Priority Park Acquisition Account No. CF5590 628650005. This transfer will allow for the acquisition of the final properties necessary to complete the land assembly required for this Priority Park.

4. That permission be granted to Racalmutese Maria S.S. Del Monte Ontario Inc. to conduct a fireworks display on the Lax property on 1991 June 9, in conjunction with the festival planned for 1991 June 7, 8 and 9, in honour of Maria Santissima Del Monte, subject to the following terms and conditions:
 - (a) That a licensed operator be responsible for carrying out the fireworks display.
 - (b) That the Racalmutese Maria S.S. Del Monte Ontario Inc. have in place \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as co-insured.
 - (c) That the applicant assume the responsibility for all labour related charges relative to the event (i.e. clean up).
5. That pursuant to Fireworks By-law No. 90-198 that approval be given to the action taken by the Director of Culture and Recreation in approving the request of the Gilkson Community Council to hold a fireworks display at Gilkson Park on Monday, 1991 May 20, subject to the following terms and conditions:
 - (a) That a licensed operator be responsible for carrying out the fireworks display.
 - (b) That Gilkson Community Council have in place a \$2 million Insurance Policy for Public Liability for Property Damage and Bodily Injury, naming the City as co-insured.
6.
 - (a) That the Planning and Development Committee be requested to initiate the modification of zoning at the Mohawk Sports Park and the Bernie Arbour Stadium to allow:
 - (i) The Hamilton Hornets to obtain a Liquor Sales Licence for the Clubhouse Facility at the Mohawk Sports Park to operate only during games and on special occasions as approved in writing by the Director of Culture and Recreation.
 - (ii) The Hamilton Redbirds to obtain a Stadium Licence to sell beer at the Bernie Arbour Stadium during their home games.
 - (b) That \$5 million liquor licence liability insurance, with the City as a named insured, be provided by each of the Hamilton Hornets Rugby Football Club and the Hamilton Redbirds.

NOTE: The above recommendation was lost on a tie vote of the Parks and Recreation Committee and in accordance with established policy, is now being submitted to City Council for consideration and disposition.

7.
 - (a) That, subject to Regional Council approval, the City enter into an Authority to Enter Agreement with the Region thereby permitting the City to enter upon Regional lands located along Upper Kenilworth Avenue, south of Limeridge Road East (Part 4, Plan 11426) for the purpose of constructing future Park grades, seeding and general Park construction.
 - (b) That the Mayor and City Clerk be authorized to execute the Authority to Enter Agreement in a form satisfactory to the City Solicitor.
8.
 - (a) That the City resolve a claim by Dufferin Construction, arising out of the termination of a contract to construct a parking lot in Macassa Park, by the payment to Dufferin Construction of \$9,019.00 inclusive of all damages, interest and costs.
 - (b) That the City Law Department be authorized to prepare a mutual release agreement between the City of Hamilton and Dufferin Construction Company for the termination of their contract to construct a parking lot in Macassa Park.
 - (c) That the balance of funds approved for this parking lot, as specified in the 1990 Park Development and Re-development Programme, be held over for improvements in Macassa Park.
9.
 - (a) That approval be given to proceed with the project for the lighting of the Bocci Courts at St. Agnes School, and
 - (b) That the Finance and Administration Committee be requested to recommend the method of financing of \$6,000.00 for the lighting of the Bocci Courts at St. Agnes School.
10.
 - (a) That William Connell Park be designated for use as a community sports complex and a Double 'A' baseball facility.
 - (b) That a liaison committee be established with the Hamilton Redbirds as per the approved agreement with the Redbirds.
 - (c) That the Planning and Development Committee be requested to initiate a rezoning of the site in order to accommodate a Double 'A' baseball facility at William Connell Park.

11.
 - (a) That approval be given to staff to erect two tents in the Cockpit area of Dundurn Park for a Castle fund-raising event.
 - (b) That authorization be granted to staff to apply for a liquor license permit to sell beer and wine during the intermission for the above-mentioned event.
12.
 - (a) That the Chairman of the Hamilton Historical Board or his designate be authorized to attend the joint conference of the Ontario Historical Society and Heritage Canada to be held in Brockville, Ontario from 1991 May 9 - 11.
 - (b) That the expenses to attend the symposium be charged to Travel Account No. CH55201 10010.

Respectfully Submitted,

**ALDERMAN T. MURRAY, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

C. J. Coutts, Acting Secretary

1991 April 23

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **SEVENTH** Report for 1991 and respectfully recommends:

1. That the Building Commissioner be authorized to issue a demolition permit for the following properties:
 - (a) 101 Leland Avenue
 - (b) 11 Rosewood Drive
 - (c) 762 Ninth Avenue
 - (d) 126 Young Street
 - (e) 128 Young Street
 - (f) 1606 Upper Gage Avenue
 - (g) 1610 Upper Gage Avenue
 - (h) 1614 Upper Gage Avenue
 - (i) 1620 Upper Gage Avenue
2. (a) That the Building Commissioner be authorized to issue a demolition permit for 24 Victoria Avenue North, but;
 - (b) That no demolition permit be issued for 24 Victoria Avenue North until such time as the owner obtains a building permit. The demolition permit could then be issued in accordance with Section 33(6) of The Planning Act.

3. (a) That a purchase order be issued to Brantford Landscaping and Sodding Ltd., Paris, being the lowest acceptable of fourteen (14) quotations received to provide Final Lot Grading and Sodding at various subdivisions as and when required during 1991, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, as follows:

Final Grading-Supply and place 100mm topsoil-remove debris	\$2.50 sq.metre
Supply and Place sod including 100mm topsoil	5.10 "
Supply and Place 100mm top soil	2.15 "
Supply and Construct 150 x 150 Pressure Treated Retaining Walls	150.00 "
Supply and Construct Precast Retaining Walls	265.00 "
Supply and Construct Chainlink Fencing	33.00 "
Supply and Place Granular 'A'	9.85 tonne
Supervision	24.00 hour
Labour	22.00 "
Equipment Operators	24.00 "
Surveyors 3 Men Crew	210.00 "
GST extra at 7%	

- (b) That this expenditure be financed from the Subdivision Guarantee Deposits Account PR52 70090.

4. (a) That the City Solicitor be directed to prepare a by-law to remove part-lot control from Lots 1 to 19, inclusive, Registered Plan No. 62M-681, located to the north of Independence Drive and front onto the extension of Rutledge Court in the Templemead Neighbourhood, City of Hamilton, for presentation to City Council.

That the by-law take effect on the date of approval by the Regional Municipality of Hamilton-Wentworth.

- (b) That the by-law not be forwarded to Council for approval until such time as all additional City and Regional requirements resulting from the additional lots have been satisfied, including required approvals of necessary changes to the Subdivision Agreements as outlined in the comments of the Department of Engineering.
- (c) That the Region be requested to approve the by-law removing part-lot control once passed by City Council.

5. That a loan amount of \$9,500.00 be approved for Mr. Don Warrener for the property at 51 Stuart Street (The Custom House) subject to the following:
 - (a) That the loan be derived from the Claims Account #24130 and be in accordance with the same terms and conditions that would apply to the Provincially funded Community Heritage Trust Fund Loan Programme.
 - (b) That the loan be secured on title by a mortgage, and
 - (c) That the loan be subject to the Property Department satisfying itself, via a review of the Appraisal conducted by Patricia Budd Appraisals Inc. on 1991 February and/or a second "in house" appraisal, that there is enough residual value on The Custom House property, after registered mortgages, to protect the outstanding value of the loan.
6. (a) That the City engage the services of Urbex Engineering Ltd., to provide engineering, specifications and inspection for the construction of a retaining wall on Lots 43 and 44 in Novoco Gardens and to complete the remainder of the lot grading study for Novoco Gardens on a cost plus basis estimated to be \$16,000.00 and the City Treasurer be authorized and directed to issue a purchase order to Urbex Engineering Ltd.; and,
 - (b) That the Commissioner of Transportation/Environmental Services be authorized and directed to undertake remedial grading immediately for Lots 25, 26, 28 and 39 to 44 inclusive in Novoco Gardens and for whichever lots are identified through the engineering study for Novoco Gardens to be undertaken in Item (a). The said works are to be undertaken through the annual grading contract up to a value of \$70,000.00 with all costs to be recovered from the subdivider. Interim financing shall be charged to Account No. PR-53-70090.
 - (c) That the Law Department be directed to take such steps as are necessary to recover the cost from the subdivider, including calling upon securities held by the City.

Note: All cost incurred with respect to construction of retaining walls and grading will be charged to the subdivider and recovered through securities held by the City, if necessary.

7. That approval be given to Zoning Application 91-07, 603997 Ontario Ltd., (Tony Dussin), owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit development of the subject lands for single-family dwellings, for property at 763 Stone Church Road West, as shown on the attached map marked as Appendix "A", on the following basis:
- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37C for presentation to City Council;
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Note: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property at 763 Stone Church Road West.

The effect of the By-law is to divide the subject property to create a building lot for a single-family detached dwelling. The existing dwelling will be moved onto the new lot to the west.

8. That approval be given to amended Zoning Application 91-04, Houston Homes Ltd., owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District for Block "1" and a modification to the established "RT-20" (Townhouse - Maisonette) District for Block "2", to permit development of 18 condominium townhouse units, for property located at 1515 and 1523 Upper Gage Avenue, as shown on the attached map marked as Appendix "B", on the following basis:
- (a) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District;
 - (b) That the "RT-20" (Townhouse - Maisonette) District regulations, as contained in Section 10E of By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variance as a special provision:
 - (i) That Section 10E(1)(a)3. shall not apply;
 - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1227, and the subject lands on Zoning District Map E-49D be notated S-1227;

- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (f) That the approved Templemead Neighbourhood Plan be amended by redesignating Block "1" from "Single and Double Residential" to "Attached Housing".

Note: The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District for Block "1" and a modification to the established "RT-20" (Townhouse - Maisonette) District for Block "2", for property located at 1515 and 1523 Upper Gage Avenue.

The effect of the By-law is to permit development of the subject lands for an eighteen unit condominium townhouse complex.

9. That amended Zoning Application 90-85, Stephen Wood and John Wood, owners, requesting a modification to the established "D" (Urban Protected Residential, etc. - One and Two Family Dwellings, Townhouses, etc.) District regulations, to legalize the conversion of the existing building from the legal non-conforming three dwelling units and beauty salon to four dwelling units, for property located at 585 Cannon Street East, as shown on the attached map marked as Appendix "C", be denied for the following reasons:
- (a) It conflicts with the intent of the Official Plan and the approved Gibson Neighbourhood Plan;
 - (b) It is an overintensification of land use in that adequate parking cannot be provided. In this regard, the Traffic Department has advised that there are existing parking problems in the area and they are unable to support the proposal; and,
 - (c) Approval of the application would encourage other similar applications which, if approved, would change the character of the area and undermine the established neighbourhood.

10. That approval be given to amended Zoning Application 90-32, Jerome Calzonetti, owner, for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "1"), from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District (Block "2"), from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified (Block "3"), and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "4"), to permit townhouse development on Blocks "1" and "2", commercial uses including an automobile service station, a variety store, a bank, a barber shop, hairdressing establishment or beauty parlour, a collecting or distributing station for a laundry or dry cleaner, and a restaurant (donut shop, deli, sub shop) on Block "3", and single-family dwellings on Block "4", for property located at 829, 837, 845 and 867 Rymal Road East, as shown on the attached map marked as Appendix "D", on the following basis:
- (a) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;
 - (b) That the lands described as Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District;
 - (c) That the lands described as Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District;
 - (d) That the lands described as Block "4" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (e) That the "RT-20" (Townhouse-Maisonette) District regulations as contained in Section 10E of Zoning By-law No. 6593 applicable to Blocks "1" and "2" be modified to include the following variances as special requirements:
 - (i) That Section 10E(2)(a)3 shall not apply;
 - (ii) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the westerly and northerly property lines and along the easterly lot line of Block "1", the westerly boundary of Block "2", and that portion of the northerly boundary of Block "2" adjoining the "C" (Urban Protected Residential, etc.) District;

- (iii) That a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the westerly and northerly property lines and along the easterly lot line of Block "1", the westerly boundary of Block "2", and that portion of the northerly boundary of Block "2" adjoining the "C" (Urban Protected Residential, etc.) District.
- (f) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to Block "3", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 14A(1) of By-law No. 6593 only the following commercial uses shall be permitted:
 - (1.) an automobile service station;
 - (2.) a variety store;
 - (3.) a bank;
 - (4.) a barber shop, hairdressing establishment or beauty parlour;
 - (5.) a collecting or distributing station for a laundry or dry cleaner;
 - (6.) a restaurant; and,
 - (7.) signs in accordance with Section 14A of By-law No. 6593.
 - (ii) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the northerly and westerly lot lines;
 - (iii) That a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the northerly and westerly lot lines.
- (g) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1226, and that the subject lands on Zoning District Maps E-38D & E-38E be notated S-1226;
- (h) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38D & E-38E for presentation to City Council;
- (i) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area;

(j) That the following changes be made to the approved Eleanor Neighbourhood Plan:

- (i) Block "2" - redesignation of the lands from "Commercial and Apartments" to "Attached Housing";
- (ii) Block "3" - redesignation of the lands from "Commercial and Apartments" to "Commercial".

That the 10' walkway between Eaglewood Drive and Rymal Road East be closed.

(k) That the Transport and Environment Committee be requested to consider the closure and disposal of the walkway lands.

Note: The purpose of the By-law is to provide for changes in zoning for lands at 829, 837, 845 and 867 Rymal Road East.

- (a) Block "1" - From: "AA" (Agricultural) District
To: "RT-20" (Townhouse-Maisonette) District
- (b) Block "2" - From: "C" (Urban Protected Residential, etc.) District
To: "RT-20" (Townhouse-Maisonette) District
- (c) Block "3" - From: "C" (Urban Protected Residential, etc.) District
To: "HH" (Restricted Community Shopping and Commercial, etc.) District modified
- (d) Block "4" - From: "AA" (Agricultural) District
To: "C" (Urban Protected Residential, etc.) District

The effect of the By-law is to permit future townhouse development on Blocks "1" and "2", single-family dwellings on Block "4" and only the following commercial uses on Block "3":

- (a) an automobile service station;
- (b) a variety store;
- (c) a bank;
- (d) a barber shop, hairdressing establishment or beauty parlour;
- (e) a collecting or distributing station for a laundry or dry cleaner;
- (f) a restaurant; and,
- (g) business identification signs in accordance with Section 14A of By-law No. 6593.

In addition, the By-law provides for the following variances as special requirements:

- (a) To prohibit street townhouse development on Blocks "1" and "2";
- (b) To require a minimum 3.0 m wide landscaped planting strip to be provided and maintained along the westerly and northerly property lines and along the easterly lot line of Block "1", the westerly boundary of Block "2", and that portion of the northerly boundary of Block "2" adjoining the "C" (Urban Protected Residential, etc.) District;
- (c) To require a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained along the westerly and northerly property lines and along the easterly lot line of Block "1", the westerly boundary of Block "2" and that portion of the northerly boundary of Block "2" adjoining the "C" (Urban Protected Residential, etc.) District;
- (d) To require a minimum 3.0 m wide landscaped planting strip to be provided and maintained along the northerly and westerly lot lines of Block "3";
- (e) To require a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained along the northerly and westerly lot lines of Block "3".

11. That leave be granted to introduce the following Bills:

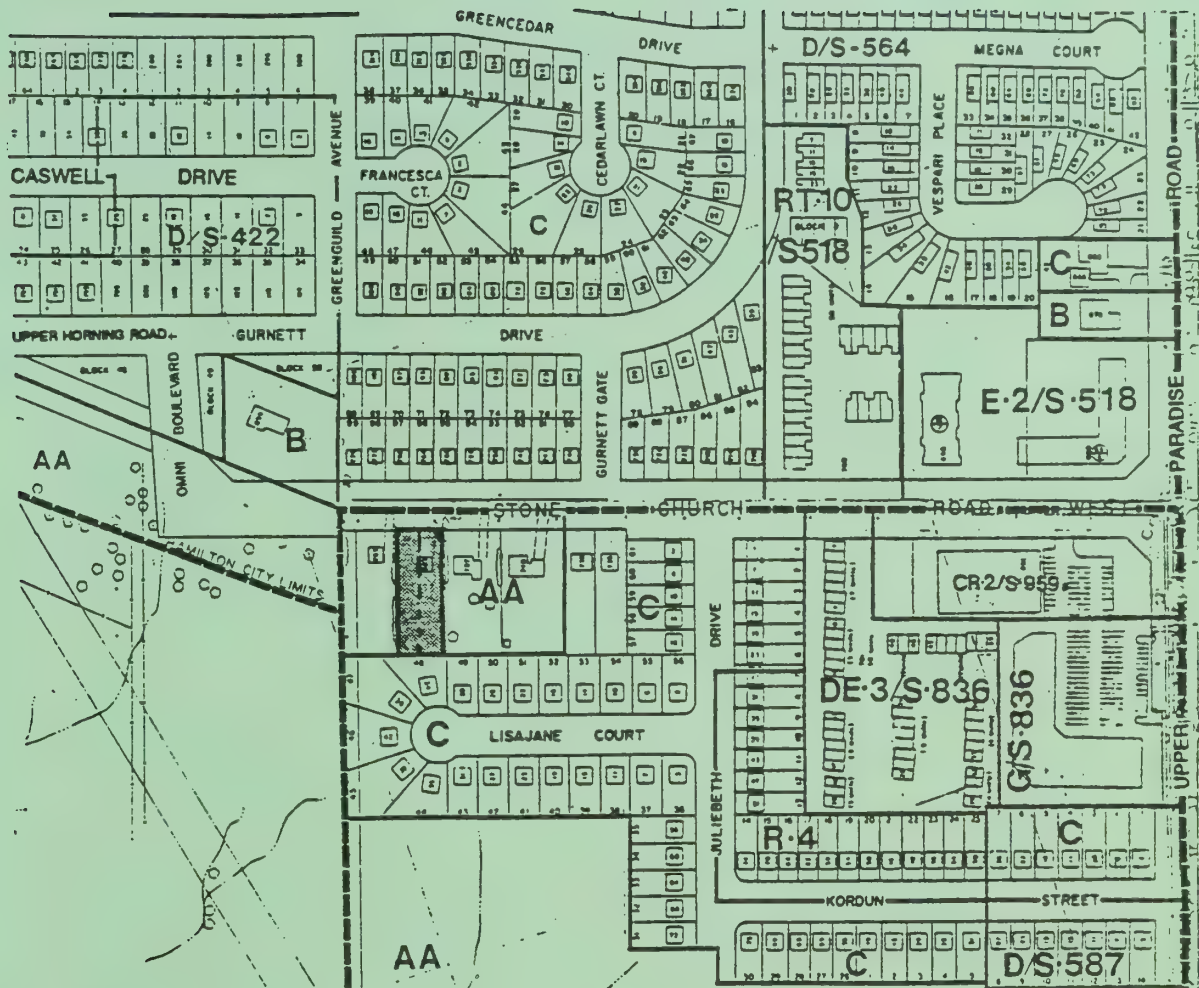
- Bill No. C-27 A By-law to designate land located at Municipal No. 179 Mary Street as property of Historic and Architectural Value and Interest.
- Bill No. C-28 A By-law to amend Zoning By-law No. 6593, respecting land located at Municipal No. 252 James Street North.
- Bill No. C-29 A By-law to amend Zoning By-law No. 6593, respecting lands located on the west side of Upper Wellington Street in the area south of the Mountain Freeway.
- Bill No. C-30 A By-law to adopt Official Plan Amendment No. 98, respecting lands located on the east side of Webster Road, north of the T.H.&.B. Railway.
- Bill No. C-31 A By-law to amend Zoning By-law No. 6593 and By-law No. 91-063 and By-law No. 91-064, respecting lands located at the northeast corner of Jackson Street East and Ferguson Avenue South and lands located at Municipal Nos. 206-210 Jackson Street East.

- Bill No. C-32 A By-law to adopt the Central/Beasley Community Improvement Plan.
- Bill No. C-33 A By-law to designate land located at Municipal No. 74 Charlton Avenue East as property of Historic and Architectural Value and Interest.

Respectfully submitted,

ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1991 April 24



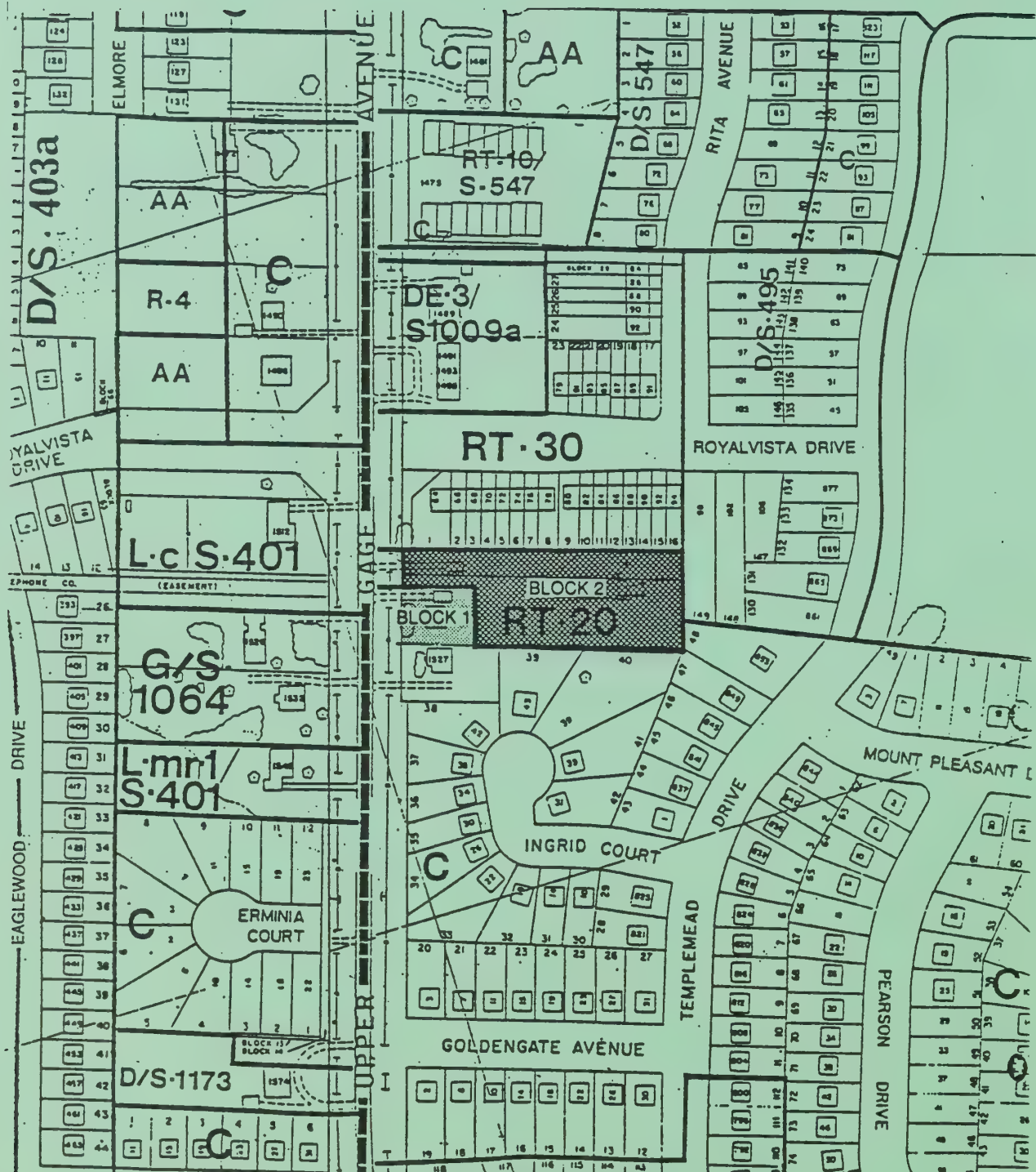
Appendix "A" as referred
to in Section 7 of the
SEVENTH Report for 1991 of
the Planning and
Development Committee.

Legend



Site of the Application





Legend

BLOCK 1



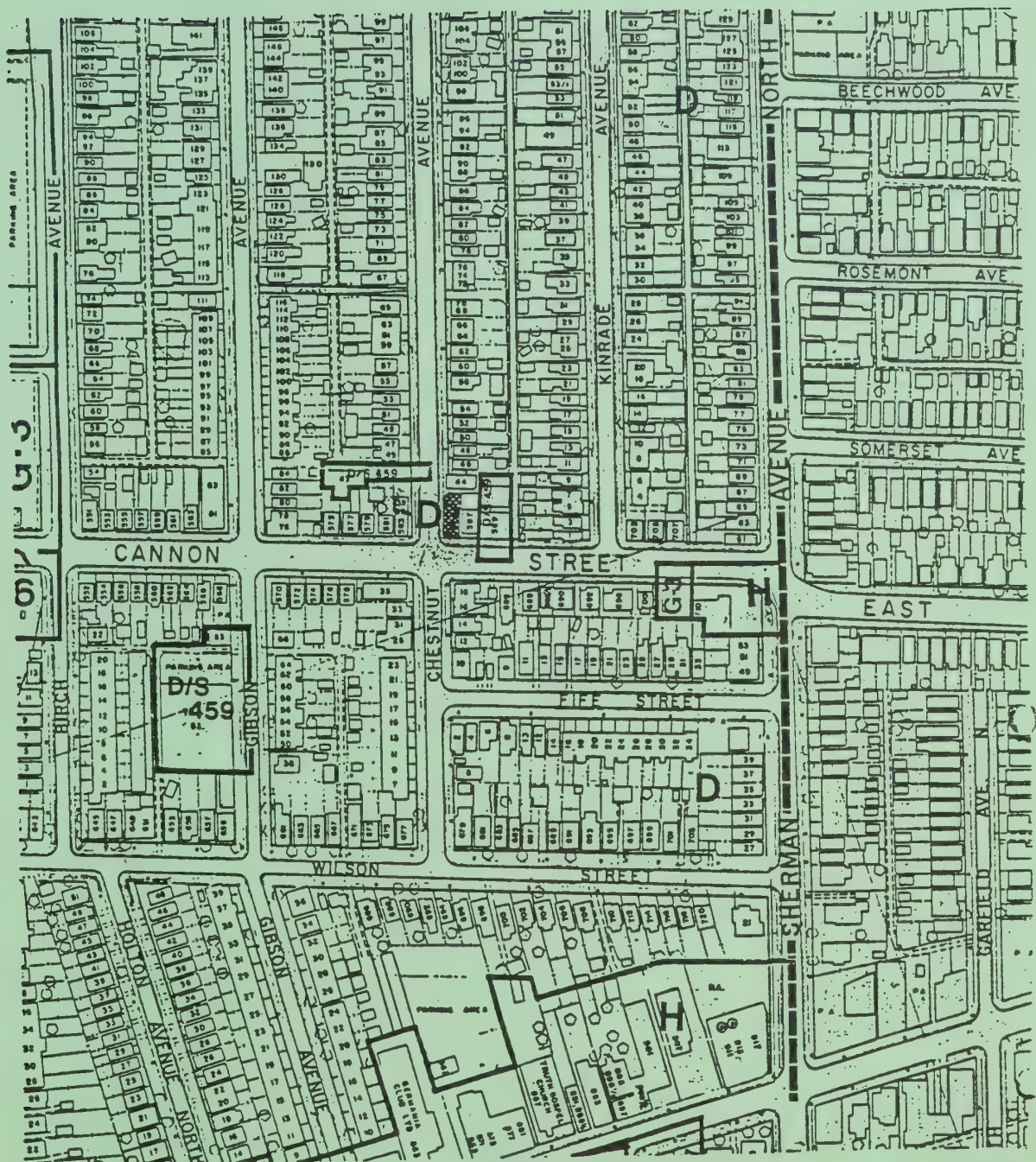
Site of the Application

BLOCK 2



Appendix "B" as referred
to in Section 8 of the
SEVENTH Report for 1991 of
the Planning and
Development Committee





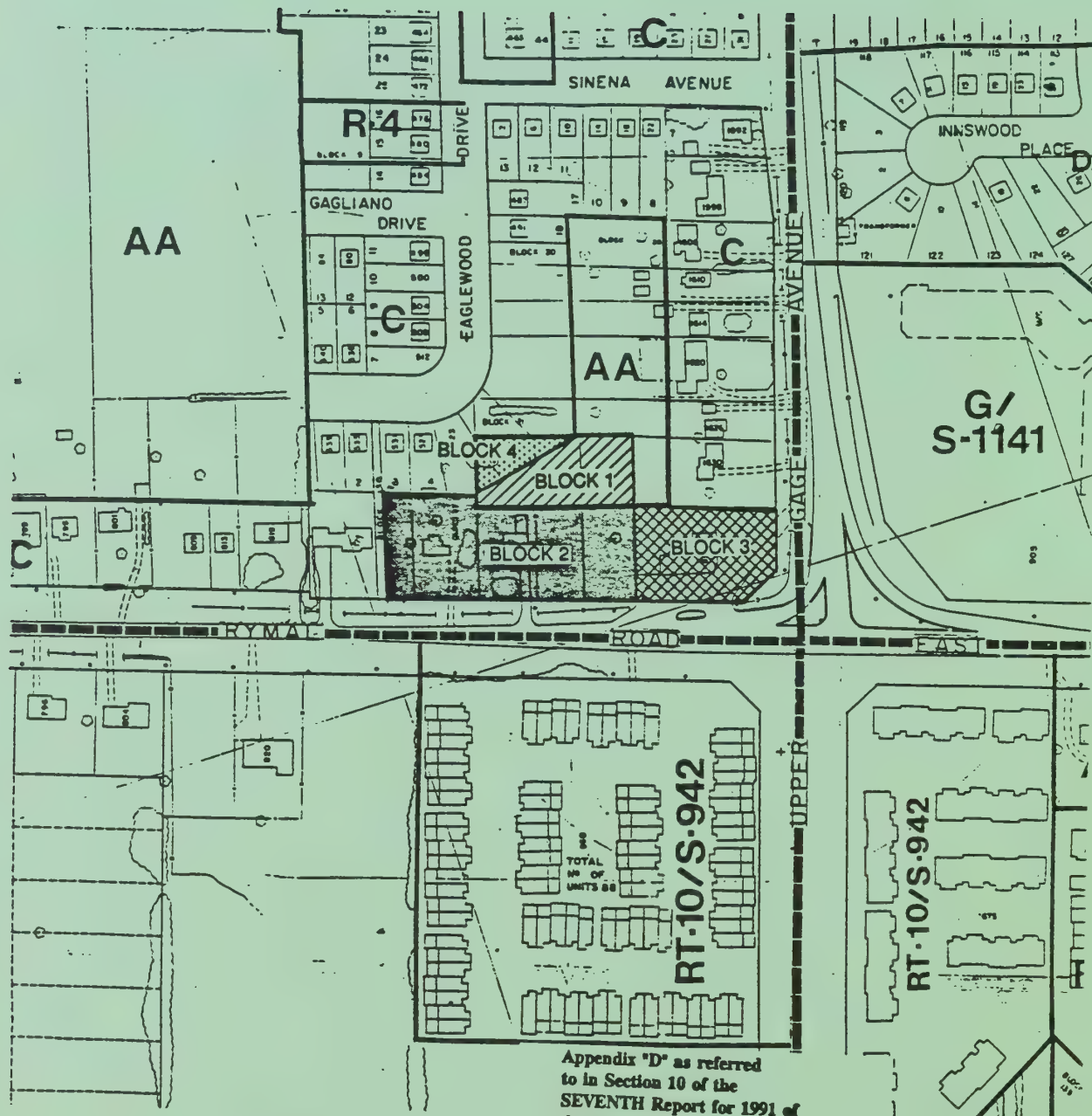
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Site of the Application





Appendix "C" as referred
to in Section 9 of the
SEVENTH Report for 1991 of
the Planning and
Development Committee





Legend

Proposed change in zoning from:

- BLOCK 1  "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District.
- BLOCK 2  "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District.
- BLOCK 3  "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, Modified.
- BLOCK 4  "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.



INFORMATION SYSTEMS COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Information Systems Committee presents its **SECOND** Report for 1991 and respectfully recommends:

1. (a) That a Purchase Order be issued to Air Cell Communications, of Toronto in the amount of \$32,500.00 (upset limit) per annum to provide telephone trunk-line service to the Toronto (long distance) calling area. This service will replace current services from Bell Canada.
- (b) That the service with Air-Cell be for an initial period of 36 months.
- (c) That the Director of Information Systems be authorized to phase-in the service over the balance of 1991 to minimize the potential for any service interruptions and ensure proper long term operation and satisfaction with the service prior to full implementation.
- (d) That the amount of \$34,570.00 be provided from Account #CH 56301-31102 (Telephones).
- (e) That the master agreement with Air Cell be in a form satisfactory to the Director of Information Systems and the City Solicitor (the City of Hamilton will act as the "Client").
- (f) That the Director of Information Systems be delegated the authority to execute amendments (to allow for line changes, etc.) to the master agreement, as approved by Council, provided the following conditions have been satisfied:
 - (i) That the form and substance of the service amendments are satisfactory to the Solicitor;
 - (ii) That the requisite expenditure is contained in an approved Budget and is within the Council's adopted purchasing policy;
 - (iii) That the master agreement has been executed by the supplier and a copy is on file with the Clerk.

- (g) That the Director of Information Systems be authorized to spend up to \$10,000.00 of the 1991 savings to engage external Consulting expertise to determine additional measures to reduce the costs of the telephone communications systems.
- (h) That the Master Agreement be satisfactory to the Regional Solicitor as well as the City Solicitor.
- (i) That the term of the Agreement is to be to 1991 November 30, with an option in favour of the Client to extend for the balance of the term.

Note: Total annualized savings will be as much as \$80,000.00 per year as compared to existing services.

- 2. (a) That a purchase order be issued to Bachmann Information Systems of Toronto in the amount of \$61,000.00, (plus GST and PST), for the supply, installation and training for Database Design and Administration Software (only proposal received).
- (b) That the amount be financed from Account #CF 5609-269051015 (Computer Software).

Note: Database Administration Software is used to automate the functions of administering large databases, such as the Property/Taxation database currently under development.

This type of software is very specialized as it integrates the design of the database with its subsequent development and management and reduces effort; both at the time the database application is designed, and for the ongoing maintenance of the application after it goes into production. The acquisition of this software is consistent with the strategy of reducing long term costs.

- 3. (a) That Digital Equipment of Burlington provide leasing services in accordance with their Proposal dated 1991 April 12. Lowest acceptable of four leasing proposals received.
 - (i) One Communications Processor (Gateway) at \$1,431.00/month for 48 months (plus GST and PST) from Account #CH 56605-26022 (Communications).

- (ii) One VAX 4200 Fileserver at \$3,950.00/month for 48 months (plus GST and PST) from Account #CH 56605-26032 (Workstations).
 - (iii) One VAX 3100 Fileserver at \$1,492.00/month for 48 months (plus GST and PST) from Account #CH 56605-26032 (Workstations).
 - (iv) Two Communications (fibre optic to twisted pair Lanbridges) at \$604.00/month for 48 months (plus GST and PST) from Account #CH 56605-26022 (Communications).
- (b) That the leasing agreement be in a form satisfactory to the City of Hamilton Solicitor (The City of Hamilton is the Lessee).
 - (c) That term of the agreement is to be to 1991 November 30, with an option in favour of the City to extend for the balance of the lease term.
 - (d) That the City of Hamilton Mayor and Clerk be authorized to execute the master lease agreement.

Respectfully submitted,

ALDERMAN J. GALLAGHER, CHAIRMAN
INFORMATION SYSTEMS COMMITTEE

Susan K. Reeder
Acting Secretary
1991 April 22

REPORT OF THE CITY OF HAMILTON LICENSING COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The City of Hamilton Licensing Committee presents its **THIRD** Report for 1991 and respectfully recommends:

1. That the Cab Driver Licence application of Robert J. Rusnak, 25 Gertrude Street, Hamilton be denied.

NOTE: For the information of members of City Council, the City of Hamilton Licensing Committee at its meeting of 1991 April 10 recommended that the foregoing licence application be denied on the grounds of the applicant's extensive criminal record. (Further information can be obtained from the Secretary.)

2. That the Cab Driver Licence of Robert K. White, 159 Glow Avenue, Hamilton, be suspended until Mr. White's provincial driving licence is reinstated on 1991 August 28 and that this matter be fully reviewed at that time.

NOTE: For the information of members of City Council, the City of Hamilton Licensing Committee at its meeting of 1991 April 10 made the foregoing recommendation on the grounds that while on probation, the applicant committed further driving infractions by driving while his provincial driving licence was suspended. (Further information can be obtained from the Secretary.)

RESPECTFULLY SUBMITTED

ALDERMAN T. COOKE
CHAIRMAN
CITY OF HAMILTON LICENSING
COMMITTEE

Stella Glover
Secretary

1991 April 10

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **NINTH** Report for 1991 and respectfully recommends:

1. (a) That the City Clerk be authorized to allocate space in the City Hall Council Chambers and meeting rooms for election coverage by the media in connection with the 1991 municipal election.
- (b) That the City Clerk be granted the authority to approve of a similar use in future years, provided it does not interfere with any other activity.
2. (a) That permission be granted to the Culture and Recreation Department to use the following City Hall facilities in connection with Fit Day:
 - (i) East end second floor from May 24 to May 30 for an inflatable running shoe display.
 - (ii) West end second floor May 29 for headquarters for Fit Day telethon.
 - (iii) Aldermen's lounge May 29 from 8:00 a.m. to 11:00 p.m. for volunteer staff.
 - (iv) Forecourt May 29 from 8:30 a.m. to 2:00 p.m. for Mayor's warm-up and a static display.
- (b) That the City Clerk be granted the authority to approve of a similar use in future years, provided it does not interfere with any other activity.
3. (a) That permission be granted to the Hamilton Veterans' Committee to use the City Hall forecourt from 11:30 a.m. to 12:10 p.m. on Sunday, 1991 June 09 to form up the Annual Decoration Day Parade.
- (b) That the City Clerk be granted the authority to approve of a similar use in future years, provided it does not interfere with any other activity.

4. (a) That permission be granted to the Culture and Recreation Department to use the Council Chamber on 1991 Wednesday, May 1 from 11:30 a.m. to 1:00 p.m. for a Proclamation Day Ceremony to launch "Arts Awareness Month".
- (b) That the City Clerk be granted the authority to approve of a similar use in future years, provided it does not interfere with any other activity.

5. That the Treasurer be authorized and directed to prepare the appropriate 1991 levy by-laws for seven (7) Business Improvement Areas in the City of Hamilton as follows for presentation to City Council:

<u>Business Improvement Areas</u>	<u>1991 Levy</u>
Barton Street #1	\$ 6,000.00
Westdale	\$ 30,000.00
International Village	\$ 56,470.00
Ottawa Street North	\$ 85,000.00
Concession Street	\$ 29,745.00
Downtown Promenade	\$199,000.00
Main Street West	\$ 4,000.00

6. (a) That, as referred to in Section 17 of the Seventh Report of the Transport and Environment Committee, the City Solicitor be authorized to make application to the Ontario Municipal Board for approval to construct an independent concrete sidewalk on the south west corner of Stone Church Road and Upper Wentworth Street at an estimated gross cost of \$20,990.00 with City's share of \$1,760.00 to be financed by 1991 Capital Levy and the balance of \$19,230.00, being the owner's share, to be financed by the issuance of debenture for a period not to exceed 20 years.
- (b) That application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$19,230.00 for a term not to exceed 20 years for the above project.

NOTE: The actual cost of the work, if less than \$20,990.00, would be distributed between the property owners and the City at a ratio of 1923:176.

7. (a) That, as referred to in Section 16 of the Seventh Report of the Transport and Environment Committee, the City Solicitor be authorized to make application to the Ontario Municipal Board for approval to construct a roadway on MacLennan Avenue from Upper Wentworth Street to East 23rd Street at an estimated gross cost of \$136,425.00 with City's share of \$66,347.00 to be financed by Capital Levy and the balance of \$70,078.00, being the owner's share, to be financed by the issuance of debenture for a period not to exceed 20 years.

(b) That application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$70,078.00 for a term not to exceed 20 years for the above project.
8. That, as referred to in Section 12 of the Seventh Report of the Transport and Environment Committee, the City's share of services to be installed in Peace Manor Subdivision in the gross amount of \$24,946.99 be financed from the Reserve for City's Share of Services Through Unsubdivided Lands.
9. That, as referred to in Section 14 of the Seventh Report of the Transport and Environment Committee, the City's share of services to be installed in Annabelle Subdivision in the gross amount of \$9,653.71 be financed from the Reserve for City's Share of Services Through Unsubdivided Lands.
10. That, as referred to in Section 9 of the Ninth Report of the Parks and Recreation Committee, the lighting of the bocci courts at St. Agnes School, in the amount of \$6,000.00 be charged to the Capital Budget Project "Playstructure Development" which was approved in the 1991 Capital Budget in the amount of \$200,000.00.
11. (a) That the Treasurer be authorized to make application to hire one student under the 1991 Municipal Student Awareness Program of the Ministry of Municipal Affairs for a period not to exceed 18 weeks.

(b) That the estimated City's share of \$2,985.00 for this Program be financed from Treasury Account CH51002 25215 (Accounting - Temporary Staff).
12. That Mr. Len King's contract as Building Commissioner be renewed for a five-year period commencing July 1, 1991, under the terms and conditions as set out in the employment contract.

13. That the contract settlement of The Hand Association of Sewer, Watermain and Road Contractors and the Labourers International Union of North America, Local 837, be received pursuant to the Fair Wage Policy of the City of Hamilton.
14. That the wage rate for Cashiers at the Community Centres, Arenas and Outdoor Pools be increased from \$5.59 per hour to \$5.65 per hour in order to maintain the traditional 25 cent differential between Basket Checkers and Cashiers which was eroded following the recent increase in the minimum wage for students 18 years of age and over, and that this increase be retroactive to October 1, 1990.
15. That the Appointments To and Terminations from Permanent positions with the Corporation to March 25, 1991, attached hereto and marked Appendix "A", be approved.
16. That the salary classification for the following non-union position in the City Clerk's Department be approved in accordance with the recommendation made by City Core Group members:

<u>Position Title</u>	<u>Function</u>	<u>Grade</u>	<u>Salary</u>
Market Manager	To direct and manage the daily operation of the Farmers' Market; Administer Market By-law 81-180; Provide liaison between various groups, civic departments and Committees of Council.	K	\$42,566.68 - \$50,107.20

17. That the salary classification for the following non-union position in the Public Works Department be approved in accordance with the recommendation made by City Core Group members:

<u>Position Title</u>	<u>Function</u>	<u>Grade</u>	<u>Salary</u>
Operations Engineer (formerly Transportation Planning Engineer)	Directs and administers the City Sidewalk Construction & Reconstruction Programs. Manages and administers the operations of the Sanitation Division and Community Renewal programs.	G	\$58,056.44 - \$68,428.36

18. That Alderman D. Wilson be added to the current membership of the Keep Hamilton Clean Committee pursuant to the Terms of Reference of the Committee.
19.
 - (a) That the 1991 mill rates for the City of Hamilton be approved, and the mill rates for the Region and Boards of Education be received to be included for billing purposes in accordance with Appendix "B" attached hereto, Column (10).
 - (b) That the Treasurer be authorized and directed to prepare the appropriate by-laws to fix the rates of taxation for Municipal, Regional and School purposes for the year 1991 for presentation to City Council.
 - (c) That the Treasurer be authorized and directed to prepare the appropriate by-law to levy an annual tax on telephone companies doing business in Ontario for presentation to City Council.
20.
 - (a) That, for purposes of establishing a municipal parking lot for 36 cars on the east side of Ottawa Street North, the City lease a vacant lot from the First Church of the Nazarene, (part of 92 Ottawa Street North) having approximately a 100 foot frontage and a 100 foot depth on the following terms:
 - (i) That an interim lease commence on or about June 1, 1991 to November 30, 1991 and continue thereafter on a month to month basis until approval of the Ontario Municipal Board is received to a long term lease of this site to the City (provided such approval is received on or before May 1, 1992).
 - (ii) That a long term lease of this site to the City commence within 30 days of receipt of O.M.B. approval to the lease and that such lease to the City continue for a term of ten years (with an option to the City to renew for a further term of ten years).
 - (iii) That the rental payable by the City during the interim lease and the long term lease shall be 50 percent of the net revenue realized during the preceding calendar year after the deduction of the Parking Authority operating expenses including the payment of taxes, utilities, repairs and insurance by the Parking Authority.

- (b) That the long term lease include the following provisions negotiated by the Hamilton Parking Authority:
 - (i) The rent to the Church would be paid within 60 days of the end of each calendar year.
 - (ii) The parking lot would be excavated and paved during 1991 by the Parking Authority, with the approximate cost of \$60,000. to be paid by the Parking Authority.
 - (iii) The lessor (the Church) may use the parking lot during Sunday services, family nights, funerals and monthly parking passes would be issued to Church officials/staff.
 - (iv) The carpark would be maintained by the Parking Authority, including repainting of lines, maintenance of equipment, cleaning, garbage removal and snow ploughing.
 - (c) That the Mayor and City Clerk be authorized to execute in a form satisfactory to the Parking Authority and to the City Solicitor an Agreement with the lessor to provide for the leasing to the City in accordance with the foregoing (the interim lease authorized above), as well as (once the O.M.B. approval is received) the long term lease authorized above.
 - (d) That the City Solicitor be authorized to apply to the Ontario Municipal Board for approval of the proposed long term lease for the period of the lease to the City beyond November 30, 1991.
 - (e) That, upon commencement of the interim lease to the City, the leased property be placed under the jurisdiction of the Hamilton Parking Authority for management as a municipal parking lot.
21. (a) That the Artificial Turf Replacement for Ivor Wynne Stadium as approved under Item 3 of the Eighth Report of the Parks and Recreation Committee adopted by City Council on April 9, 1991, included in the 1991-1995 approved Capital Budget Program as a 1992 start project, be revised to a 1991 start date.

- (b) That the funding of the Artificial Turf Replacement for Ivor Wynne Stadium in the amount of \$1,405,000. be revised from debenture to the Reserve for Capital Projects, and simultaneously Project No. 7 Major Maintenance to Civic Buildings in the amount of \$750,000. and Project No. 53.1 Hydro Street Lighting Conversion to High Pressure Sodium in the amount of \$700,000. being the City's cost, be revised from Reserve for Capital Projects financing to debenture financing.
 - (c) That the City Solicitor be authorized to make application to the Ontario Municipal Board for approval of the Major Maintenance to Civic Buildings at an estimated gross cost of \$750,000. to be financed by the issuance of debenture for a period not to exceed 20 years.
 - (d) That application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$750,000. for as term not to exceed 20 years for the above project.
 - (e) That the City Solicitor be authorized to make application to the Ontario Municipal Board for approval of the Hydro Street Lighting Conversion to High Pressure Sodium at an estimated gross cost of \$1,102,000. with other subsidy and receipt of \$402,000. and the balance of \$700,000. to be financed by the issuance of debenture for a period not to exceed 20 years.
 - (f) That application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$700,000. for a term not to exceed 20 years for the above project.
- 22.
- (a) That the City Solicitor be authorized and directed to prepare an appropriate by-law to indemnify City employees for the payment of damages and costs under Section 208(5) of the Municipal Act for presentation to City Council.
 - (b) That the said by-law designate all persons who provide volunteer services to The Corporation of the City of Hamilton as employees only for the purpose of this by-law.
 - (c) That the City Solicitor be authorized and directed to prepare an appropriate by-law under Section 248 of the Municipal Act to indemnify members of Council for presentation to City Council.

23. That outstanding business taxes in the amount of \$163,117.54 be written off in accordance with Section 495 of the Municipal Act, R.S.O., 1980, and charged to Account CH15401-00001, Tax Write-Offs.

NOTE: Detailed information respecting these write-offs can be obtained by contacting the Secretary of the Finance and Administration Committee or the Treasurer.

24. (a) That the second set of 1991 General Grant recommendations as outlined in Appendix "C", attached hereto, with a total recommended grant amount of \$74,190. as shown in Column 3, be approved.
- (b) That these grants be funded from within the appropriate Grant Account No.'s CH5AXXX 200XX.
25. (a) That the first set of appeal recommendations for the 1991 General Grants in the total amount of \$3,630. as outlined in Appendix "D", attached hereto, as shown in Column 5, be approved.
- (b) That these grants be funded from within the appropriate Grant Account No.'s CH5AXXX 200XX.

NOTE: For the information of the Members of City Council, there are at least seven appeals yet to be considered by the Finance and Administration Committee. The present balance of unallocated grant funds is \$4,120. which is to be used to offset any increased grant amounts due to appeals.

26. That, after hearing the evidence and submissions of the complainant, Canadian Reformed Society For A Home For The Aged Inc., the Council of the Corporation of the City of Hamilton hereby confirm the development charges imposed on the addition to the existing senior citizens' home located at 337 Stonechurch Road East, Hamilton, as having been properly imposed pursuant to the City's Development Charges By-law No. 90-074.
27. (a) That approval be given to provide an amount of \$1,000. to be used to assist in defraying expenses to be incurred in staging a post-game reception for the players and coaches of the all-star football teams participating in the 1st Annual Steel City Senior Bowl to be held in the City of Hamilton on 1991 June 29.

- (b) That this expenditure be charged to Special Civic Receptions and Delegation Hosting Account No. CH55314 84010.
28. (a) That a donation in the amount of \$1,000. be made to the Canadian Red Cross Society to be used to aid the "Kurdish Refugees".
- (b) That this expenditure be charged to Kurdish-Relief Fund Account No. CH55129 24201 (Unclassified).
- (c) That permission be granted to the Kurdish Relief Committee (Hamilton) to post flyers in appropriate areas throughout City Hall soliciting personal contributions to "Kurdish Refugees", c/o The Canadian Red Cross Society.

29. That the following resolution be endorsed:

WHEREAS the Queen represents the very best of the British heritage in Ontario, and;

WHEREAS the decision by the Government of Ontario to remove the oath to the Queen from the Police Act is destroying a national symbol, and;

WHEREAS this decision is causing much grief and anger in our Province, and;

WHEREAS at this time of a national unity crisis, the Queen represents a united Canada, and;

WHEREAS Canada is struggling to find a national identity and the Queen represents a long, cherished tradition;

THEREFORE BE IT RESOLVED that Hamilton City Council opposes the decision of the Government of Ontario, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to all M.P.P.'s and M.P.'s, and that Premium Bob Rae be notified and asked to reconsider this decision, and;

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Resolutions Committee of the Association of Municipalities of Ontario for presentation to their 1991 Annual Meeting in August.

30. That the Council of the Regional Municipality of Hamilton-Wentworth be requested to approve the following:
- (a) That Item 17 of Report 7-91, Fire Hydrant Charges (FIN 91-055) which was approved, as amended, by Regional Council at its meeting held 1991 April 16, be reconsidered and amended by deleting the words "for 1991" in the last line of Sub-section (c).
 - (b) That Item 11 of Report 5-91, Fire Hydrant Charges (FIN 91-045) which as approved, as amended, by Regional Council at its meeting held 1991 March 19, be reconsidered and amended by deleting the words "for 1991" after the word "modified" in the first line and before the word "to" in the second line of Sub-section (d).
31. (a) That the City of Hamilton settle Ontario Court (General Division) Action No. 13195/89 by the payment to the Plaintiff, Alberdina Gootjes, of the sum of \$3,674.30 inclusive of all damages, interests and legal costs.
- (b) That the Plaintiff, Alberdina Gootjes, be required to sign a Full and Final Release of the City of Hamilton in a form satisfactory to the Law Department.
- (c) That Ontario Court (General Division) Action No. 13195/89 be dismissed without costs.
32. That the City of Hamilton resolve the compensation claim of Mr. Ed Teufel arising out of the expropriation of 1 Beck Street on the following basis:
- (a) That the City of Hamilton pay to Mr. Ed Teufel an additional \$5,000.00 for the value of the property expropriated.
 - (b) That the City of Hamilton pay to Mr. Ed Teufel a total of \$44,250.00 for business losses incurred as a result of the expropriation.
 - (c) That the City of Hamilton pay pre-judgment interest on the above noted sums at the rate of 9 percent per annum, for a total of \$19,080.00.
 - (d) That the City of Hamilton pay Mr. Ed Teufel's legal costs in the amount of \$13,900.00.

- (e) That the City of Hamilton pay Mr. Ed Teufel's disbursements in the amount of \$10,817.24.
 - (f) That Ed Teufel be required to provide the City of Hamilton with a Full and Final Release with respect to this expropriation in a form satisfactory to the Law Department.
33. That the amount of \$229.00, as claimed by Mrs. Mary Richard for electrical damage caused by a tree limb which came down due to high winds on May 19, 1990, be denied as the City had exercised all reasonable efforts to prevent such an accident within its approved maintenance budget and because the approval of this expenditure would establish a precedent implying the Corporation would be liable for similar accidents despite the Corporation taking all reasonable precautions within its approved budget.
34. (a) That the responsibility for the administration of the Central Utilities Plant be transferred from H.E.C.F.I. to the City of Hamilton effective June 1, 1991.
- (b) That the specific responsibility for the Central Utilities Plant be assigned to the Property Department and merged with the Property Maintenance Division.
- (c) That the Property and Maintenance Division be renamed the Building Operations and Maintenance Division.
- (d) That the new organizational structure as a result of the merger of the Central Utilities Plant and the Property Maintenance Division as detailed on Appendix "E", attached hereto, be approved.
- (e) That the newly created positions of Chief Operating Engineer, Maintenance Supervisor, Maintenance Coordinator, Clerk Typist III or Accounting Clerk, Manager of Administration and Administrative Assistant II be referred to the Commissioner of Human Resources (Core Group) for classification.
- (f) That the positions of Manager of Building Operations and Maintenance and Assistant Manager of Building Operations and Maintenance be reviewed in light of new responsibilities.

35. That leave be granted to introduce the following Bills:

- Bill H-12 A By-law to Authorize the Levy of a Special Charge in Respect of The International Village Business Improvement Area Generally Covering Both Sides of King Street East Between Mary Street and Wellington Street North.
- Bill H-13 A By-law to Authorize the Levy of a Special Charge in Respect of Westdale Village Business Improvement Area Generally Covering King Street West and the Area of the Intersection of Cline Avenue and King Street West and Extending to an Area West of Newton Avenue and Sterling Street.
- Bill H-14 A By-law to Authorize the Levy of a Special Charge in Respect of Barton Street East #1 Business Improvement Area Generally Covering Both Sides of Barton Street From the West Side of Wellington Street to the East Side of Wentworth Street.
- Bill H-15 A By-law to Authorize the Levy of a Special Charge in Respect of the Ottawa Street North Business Improvement Area Generally Covering Ottawa Street North Between Main Street East and Extending to an Area North of Barton Street East.
- Bill H-16 A By-law to Authorize the Levy of a Special Charge in Respect of the Main Street West Business Improvement Area Generally Comprised of Lands on the East and West Sides of Main Street West Between Locke Street on the West and Queen Street on the East.
- Bill H-17 A By-law to Levy the Special Charges for 1991 for the Improvement Area in the Area Between King William Street, Mary Street East and James Street, Designated by By-law 82-151.
- Bill H-18 A By-law to Authorize the Levy of a Special Charge in Respect of the Concession Street Business Improvement Area Generally Comprised of Lands Covering Concession Street Between East 18th Street and East 25th Street.
- Bill H-19 A By-law to Fix the Total Rates of Taxation for Municipal, Regional and School Purposes for the Year 1991.
- Bill H-20 A By-law to Fix the Rates of Taxation for Municipal Purposes for the Year 1991.

- Bill H-21 A By-law to Fix the Rates of Taxation for Regional Purposes for the Year 1991.
- Bill H-22 A By-law to Fix the Rates of Taxation for School Purposes for the Year 1991.
- Bill H-23 A By-law to Levy an Annual Tax on Telephone Companies Doing Business in Ontario Respecting The Bell Telephone Company of Canada.
- Bill H-24 A By-law Respecting Indemnification of Employees
- Bill H-25 A By-law Respecting Indemnification of Members of City Council
- Bill H-26 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

**ALDERMAN B. HINKLEY, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

John Thompson, Secretary
1991 April 25

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Ms. Anita Guest	Stenographer III (E-3)	Property	Replacing Ms. N. Wunderlich - promoted	\$21,062.60 to \$22,755.20	01/03/91
Ms. Nancy Wunderlich	Administrative Assistant II (0)	Property	Replacing Ms. A. Pollington - retired	\$30,526.60 to \$35,877.92	01/03/91

Appendix "A" as referred to in
Section 15 of the NINTH Report
of the Finance & Administration
Committee for 1991.

Prepared 25/03/91

THE CORPORATION OF THE CITY OF HAMILTON
TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. David Ferguson	Manager Technical Services	Culture & Recreation	Retired	15 years, 7 months	28/02/91
Mr. James Krusto	Traffic Checker	Traffic	Resigned	3 years, 1 months	13/02/91
Mr. Brian Loreto	Solicitor (Cntr & Agmts)	Law	Resigned	2 years, 10 months	15/03/91
Ms. Audrey Pollington	Secretary	Property	Retired	26 years, 7 months	28/02/91
Ms. Pat Ramirez	Administrative Assistant III	Public Works	Terminated	11 years, 5 months	25/02/91
Ms. Dolly Simons	Switchboard Operator	H.E.C.F.I.	Resigned	17 years, 7 months	28/02/91

City of Hamilton
TreasuryCOMPARISON OF COMPONENTS AND TOTAL MILL RATES
FOR THE YEARS 1983 TO 1991 INCLUSIVE

Description (1)	M i l l R a t e s										Increase + Decrease - 1990 to 1991 Mills (11)	Σ (12)
	1983 (2)	1984 (3)	1985 (4)	1986 (5)	1987 (6)	1988 (7)	1989 (8)	1990 (9)	1991 (10)			
Residential												
City	62.7923	69.7323	73.4019	79.3485	83.9779	87.7568	92.2114(1)	96.7685	98.6655	1.8970+	1.96+	
Region	56.6640	56.8038	59.6126	63.5186	69.3371	73.3187	82.9278(1)	92.1727	99.6322	7.4595+	8.09+	
Sub Total	119.4563	126.5361	133.0145	142.8671	153.3150	161.0755	175.1392	188.9412	198.2977	9.3565+	4.95+	
Education - Elementary	57.0683	58.2132	65.4968	68.4729	73.9790	80.9599	86.5187	104.4188	106.5221	2.1033+	2.01+	
- Secondary	41.0524	44.2715	45.1813	43.2464	54.3880	57.1976	62.4175	71.4700	71.2649	.2051-	.29-	
Sub Total	98.1207	102.4846	110.6781	111.7193	128.3670	138.1575	148.9362	175.8888	177.7870+	1.8982+	1.08+	
Total Mill Rates	217.5770	229.0207	243.6926	254.5864	281.6820	299.2330	324.0754	364.8300	376.0847	11.2547+	3.08+	
Non-Residential												
City	73.8733	82.0379	86.3552	93.3512	98.7975	103.2433	108.4840	113.8453	116.0771	2.2318+	1.98+	
Region	66.6636	66.8280	70.1325	74.7278	81.5731	86.2574	97.5621	108.4385	117.2144	8.7759+	8.09+	
Sub Total	140.5369	148.8659	156.4877	168.0790	180.3706	189.5007	206.0461	222.2838	233.2915	11.0077+	4.95+	
Education - Elementary	67.1392	68.4860	77.0551	80.5564	87.0341	95.2469	101.7867	122.8456	125.3201	2.4745+	2.01+	
- Secondary	48.2969	52.0841	53.1545	50.8781	63.9859	67.2913	73.4324	84.0823	83.8410	.2413-	.29-	
Sub Total	115.4361	120.5701	130.2096	131.4345	151.0200	162.5382	175.2191	206.9279	209.1611	2.2332+	1.08+	
Total Mill Rates	255.9730	269.4360	286.6973	299.5135	331.3906	352.0389	381.2652	429.2117	442.4528	13.2409+	3.08+	

Notes: The 1991 mill rates were calculated based on the 1990 unrevised assessment for 1991 taxation.
(1) The mill rates in 1989 reflect the transfer of 3.3558 residential mills from the City of Hamilton to the Regional Municipality of Hamilton-Wentworth for the subsidized transit fare program within the City of Hamilton totalling \$3,483,570.00 for the year 1989.

1991 April 17

Appendix "B" as referred to in
Section 19 of the NINTH Report
of the Finance & Administration
Committee for 1991.

CITY OF HAMILTON

1991 GENERAL GRANT SUBMISSIONS

Page 1

<u>NAME OF ORGANIZATION</u> (1)	<u>AMOUNT REQUESTED</u> (2)	<u>RECOMMENDED AMOUNT</u> (3)	<u>ARTS ADVISORY RECOMMENDATION</u> (4)	<u>1990 GRANT</u> (5)	<u>PURPOSE/COMMENTS</u> (6)
1. AKATUN Cultural Movement	\$35,000.00	\$1,000.00	\$1,000.00		- Offset operational costs for Salvadorean Refugee Community
2. Cdn. (Hamilton) Country Music Coalition	\$35,702.00	NIL	0		- Previously denied by Council
3. Catholic Family Services of Hamilton-Wentworth	\$1,000.00	\$1,000.00	N/A		- Recreational programs for disabled adults
4. Centre Francals Hamilton Inc.	\$6,383.00	\$1,050.00	N/A	\$1,000.00	- Offset costs of summer camp and St. Jean Baptiste celebration
5. Communita Racalmutese Maria SS. Del Monte Ontario Inc.	\$20,000.00	\$2,100.00	N/A	\$2,000.00	- Offset annual festival costs
6. Conqueror II Drum & Bugle Corps.	\$25,450.00	\$7,000.00	\$7,000.00	\$10,560.00	- Offset operating costs
7. The Downtown Hamilton Business Improvement Area (B.I.A.)	\$15,000.00	NIL	N/A		- Offset costs of downtown Music Fest. - already funded by Rec.
8. Gujarati Heritage Language Class of Hamilton and Region	\$3,000.00	NIL	N/A		- Offset Heritage Language Classes - limited access
9. Hamilton All Star Jazz Band Inc.	\$5,000.00	\$5,000.00	\$4,999.00	\$5,000.00	- Offset operational costs

Appendix "C" as referred to in Section 24 of the NINTH Report of the Finance & Administration Committee for 1991.

CITY OF HAMILTON

1991 GENERAL GRANT SUBMISSIONS

Page 2

<u>NAME OF ORGANIZATION</u> (1)	<u>AMOUNT REQUESTED</u> (2)	<u>RECOMMENDED AMOUNT</u> (3)	<u>ARTS ADVISORY RECOMMENDATION</u> (4)	<u>1990 GRANT</u> (5)	<u>PURPOSE/COMMENTS</u> (6)
10. Hamilton Brier 1991 Inc.	\$68,000.00	NIL	N/A		- Operational grant - outstanding interest free loan
11. Hamilton Concert Band	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00	- Offset operational costs
12. The Hamilton and District Chrysanthemum and Dahlia Society	\$300.00	\$300.00	N/A		- Offset operational costs
13. Hamilton Folk Arts Heritage Council	\$40,000.00	\$25,000.00	\$10,000.00		- Offset costs of festival
14. Hamilton Horseshoe Pitching Club Inc.	\$4,000.00	NIL	N/A		- Offset costs of hosting tournaments
15. Hamilton Ladies Slo-Pitch Softball Association (Inc.)	\$3,500.00	\$2,630.00	N/A	\$2,500.00	- Offset annual tournament costs
16. Hamilton Old Boys Football League	\$24,000.00	\$2,000.00	N/A		- Offset operating costs
17. Hamilton Sports Challengers	\$4,000.00	\$2,000.00			- Offset equipment & training costs for disabled children
18. Harlequin Singers of Hamilton	\$6,000.00	\$2,000.00	\$2,000.00 (from capital funds)	\$2,000.00	- Offset costs of new uniforms
19. India Canada Society	\$7,900.00	\$1,000.00	N/A		- Offset costs multimedia resource material

CITY OF HAMILTON

1991 GENERAL GRANT SUBMISSIONS

Page 3

<u>NAME OF ORGANIZATION</u> (1)	<u>AMOUNT REQUESTED</u> (2)	<u>RECOMMENDED AMOUNT</u> (3)	<u>ARTS ADVISORY RECOMMENDATION</u> (4)	<u>1990 GRANT</u> (5)	<u>PURPOSE/COMMENTS</u> (6)
20. The John Laing Singers	\$4,500.00	NIL	\$2,000.00		- Offset costs of producing cassette tape
21. McQueston Community Association	\$2,000.00	NIL	N/A	0	- Offset operating costs - mostly Social Services
22. Mount Hamilton Hort. Society	\$1,000.00	\$420.00	N/A	\$400.00	- Offset operating costs
23. Native Indian/Inuit Photographers' Association (NIIPA)	\$10,000.00	\$7,000.00	\$7,500.00	\$7,000.00	- Offset operating costs
24. Rainy Gaglani	\$3,700.00	NIL	N/A		- Not an organized non-profit group (Social Service Program)
25. Saint Anthony's Feast Inc.	\$10,000.00	\$2,100.00	N/A	\$2,000.00	- Offset annual festival costs
26. Saint Michelle Arcangelo Celebration	\$3,000.00	\$1,000.00	N/A		- Religious event - limited public access
27. (Greater Hamilton Symphony Association) Symphony Hamilton	\$8,300.00	\$8,090.00	\$8,300.00	\$7,700.00	- Offset operating costs
28. Toy Town Troupers Theatre Company	\$24,000.00	NIL	0	\$6,000.00	- Offset operating costs - lack of financial need
	<u>\$374,235.00</u>	<u>\$74,190.00</u>			

CITY OF HAMILTON

1991 GENERAL GRANT APPEALS

<u>NO.</u> <u>(1)</u>	<u>APPLICANT</u> <u>(2)</u>	<u>REQUESTED</u> <u>AMOUNT</u> <u>(3)</u>	<u>ORIGINAL</u> <u>RECOMMENDED</u> <u>AMOUNT</u> <u>(4)</u>	<u>RECOMMENDED</u> <u>AMOUNT</u> <u>OF APPEAL</u> <u>(5)</u>	<u>PURPOSE/</u> <u>COMMENTS</u> <u>(6)</u>
1.	Hamilton Cardinals Baseball Club	\$10,000	\$2,630	\$2,620	- Offset operational costs
2.	Missions to Seamen	15,000	NIL	1,000	- Offset operational costs
3.	AISEC McMaster	<u>2,250</u>	<u>NIL</u>	<u>NIL</u>	- Offset careers day McMaster University
		<u>\$27,250</u>	<u>\$2,630</u>	<u>\$3,630</u>	

NOTE: There are at least seven appeals yet to be considered by the Finance and Administration Committee. The present balance of unallocated Grant Funds is \$4,120.00 to be used to offset any increased grant amounts due to appeals.

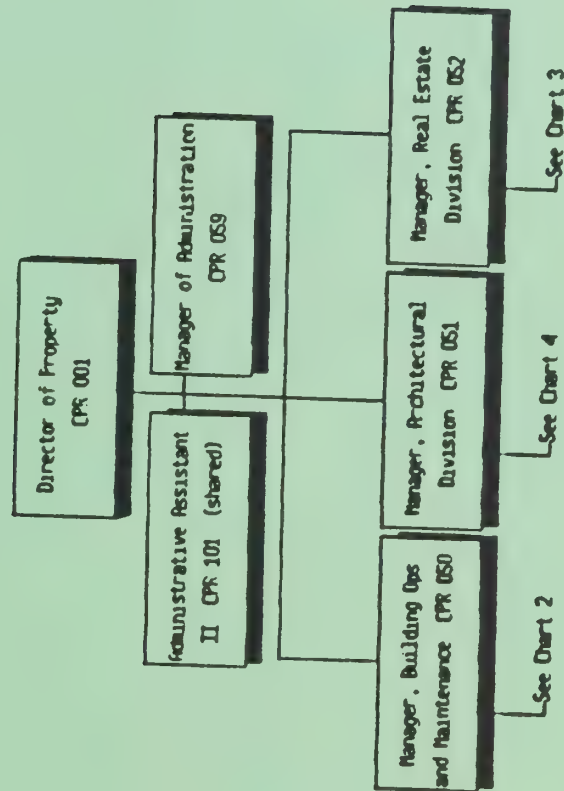
Appendix "D" as referred to in Section 25 of the NINTH Report of the Finance & Administration Committee for 1991.

Appendix "E" as referred to in
 Section 34 of the NINTH Report
 of the Finance & Administration
 Committee for 1991.

PROPERTY DEPARTMENT

Original Retained in
 Human Resources Centre

Chart 1 of 4



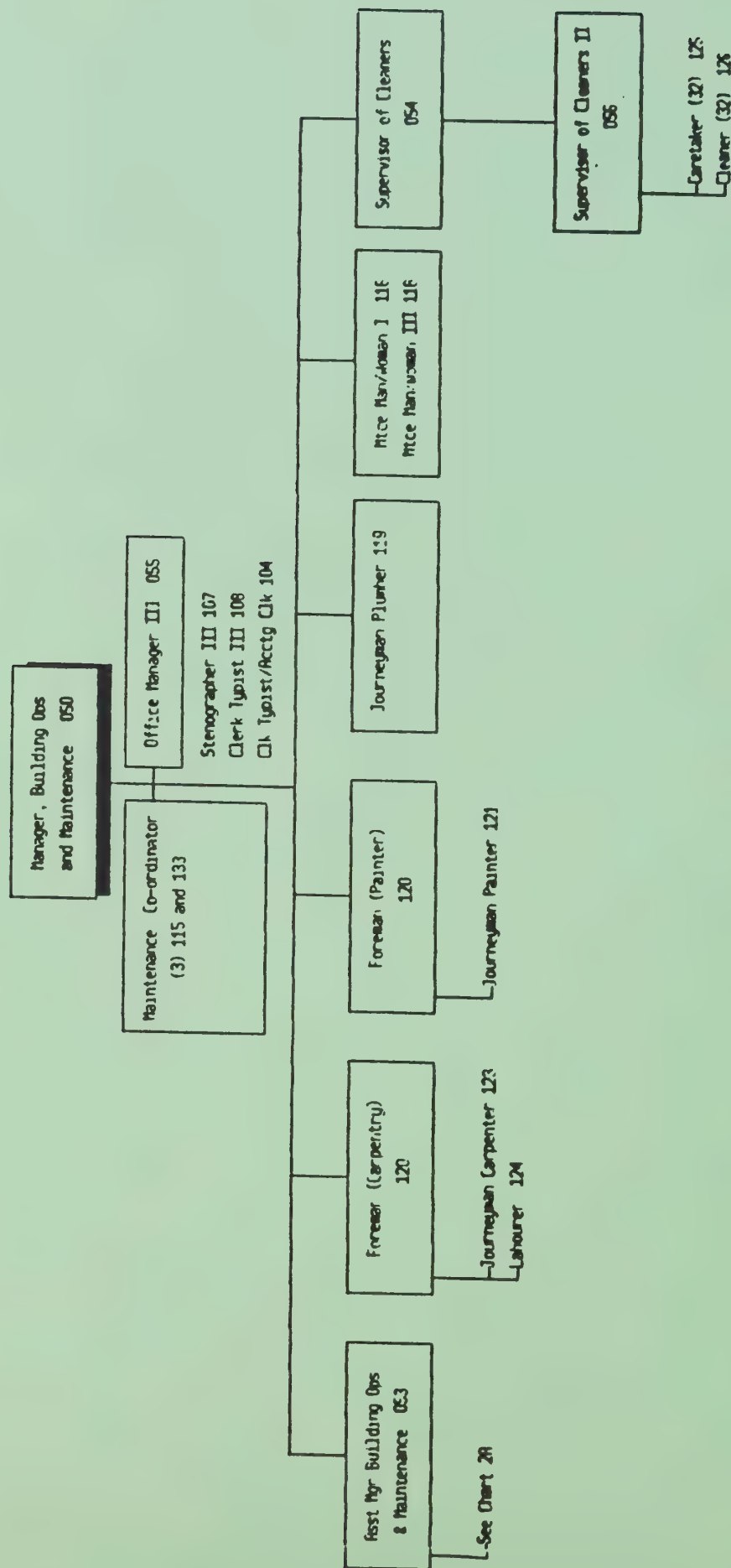
April 18, 1991

Signature _____ Date _____

PROPERTY DEPARTMENT

Original Retained in
Human Resources Centre

Chart 2 of 4



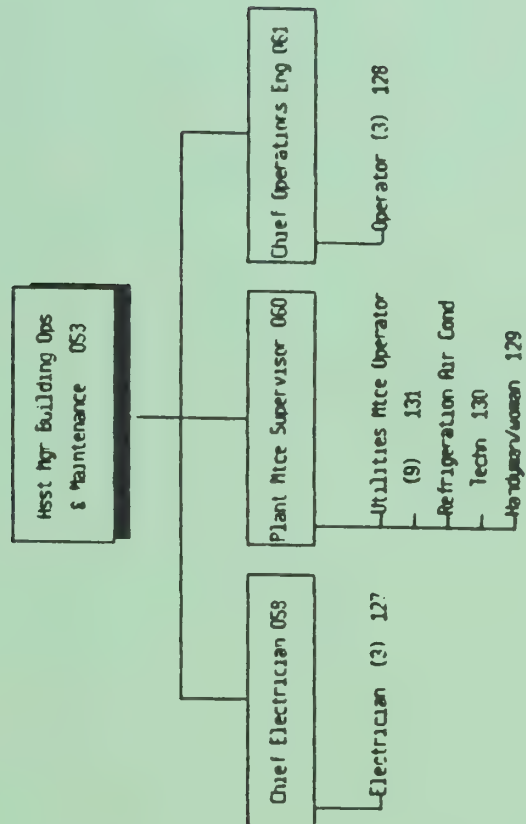
Apr 11 18, 1991

Signature _____ Date _____

PROPERTY DEPARTMENT

Original Retained in
Human Resources Centre

(Part 24 of 4)



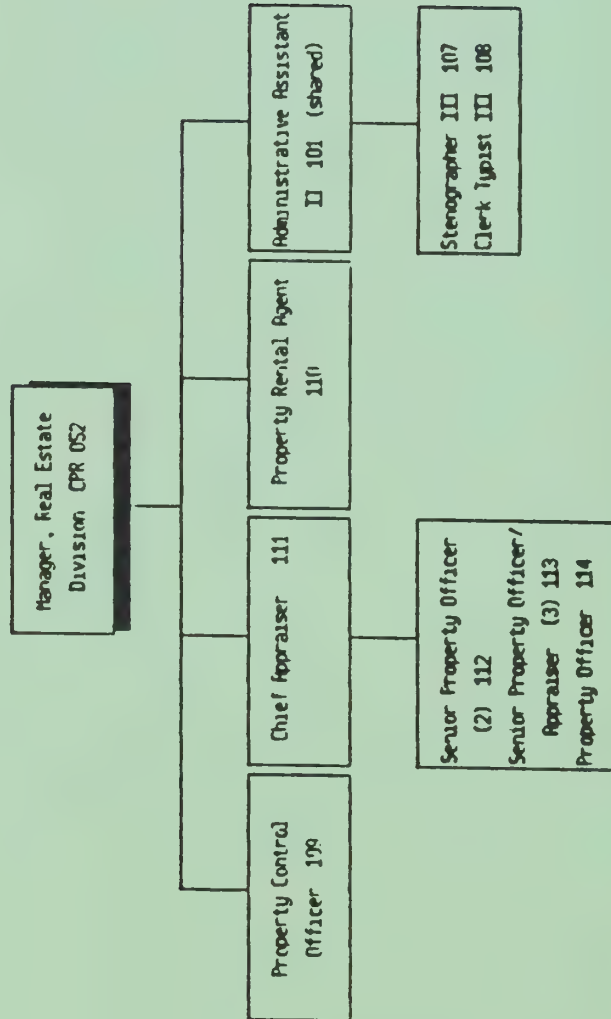
Signature _____ Date _____

April 18, 1991

PROPERTY DEPARTMENT

Original Retained in
Human Resources Centre

Chart 3 of 4



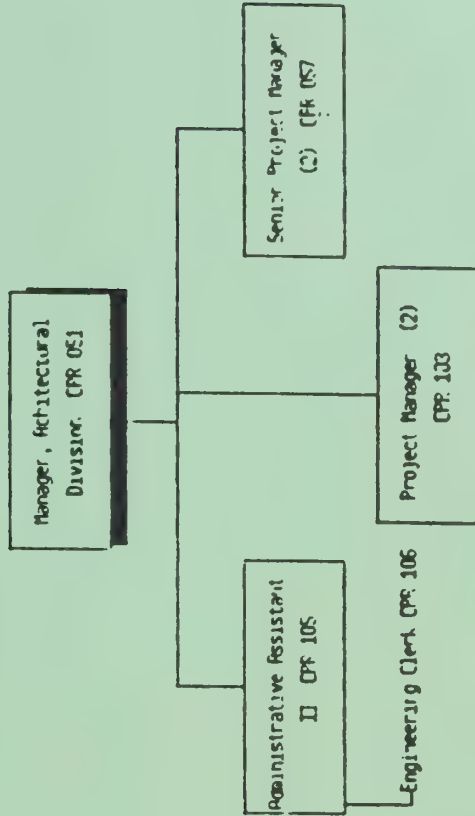
April 18, 1991

Signature _____ Date _____

PROPERTY DEPARTMENT

Original Retained in
Winter Resources Centre

(Part 4 of 4)



April 16, 1991

Signature _____ Date _____

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 91-

TO AUTHORIZE:

Additional expenditure for the construction of local improvements of concrete sidewalks on Upper Paradise Road between Stone Church Road and Lunner Avenue as described in Schedule "A"

WHEREAS the Ontario Municipal Board, by Order dated the 4th day of October, 1990 (File No. E901177) approved,

- (a) the construction of concrete sidewalks on Upper Paradise Road between Stone Church Road and Lunner Avenue, as a local improvement, pursuant to s. 12 of the Local Improvement Act, R.S.O. 1980, c. 250, as amended, at an estimated cost of \$120,225.63, and the borrowing of money by way of temporary advances not exceeding in the aggregate such estimated cost pending the sale of debenture, and
- (b) the issuance of the necessary debentures to a maximum of \$120,225.63 for a term not to exceed twenty (20) years by the Regional Municipality of Hamilton-Wentworth chargeable to the applicant corporation;

AND WHEREAS By-law No. 91-6, passed on the 29th day of January, 1991, authorized proceeding with the construction of the said local improvements and the issue of debentures in accordance with the Ontario Municipal Board Order dated the 4th day of October, 1990;

AND WHEREAS the Ontario Municipal Board, by Order dated the 13th day of March, 1990, (File No. E901177) approved,

- (c) an additional expenditure of \$19,999.37 covering an additional estimated costs of this amount, and the borrowing of money by way of temporary advances not exceeding in the aggregate such additional estimated cost pending the sale of debentures,
- (d) the issuance of additional debentures in the amount of \$19,999.37, and
- (e) an amendment to the said previous Order of the Board dated the 4th day of October, 1990, by replacing Schedule "A" thereto with Schedule "A" annexed hereto.

AND WHEREAS it is intended to proceed with the construction of the said local improvements in accordance with the total expenditure and total debentures to be issued as approved by the Ontario Municipal Board.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The construction of the works, more particularly described in Schedule "A" annexed hereto and forming part of this by-law, may be proceeded with under the Local Improvement Act, at an estimated cost not to exceed \$140,225.00, in accordance with the Ontario Municipal Board Order dated the 4th day of October, 1990, as amended by Order of the Ontario Municipal Board dated the 13th day of March, 1991.

2. The share or portion of the estimated cost of the works in the amount of \$86,325.12 shall be borne by the owners of the lands abutting directly on the works and the estimated cost per metre shall be rated as set out in Schedule "A", annexed hereto and forming part of this By-law, provided that the actual rate per metre shall be specially assessed upon the lots abutting directly on the works and payable in equal annual instalments until fully paid.
3. Pending payment of the share or portion of the total cost referred to in Section 2, the said share or portion shall be financed by the issue of debentures by The Regional Municipality of Hamilton-Wentworth:
 - (a) to the extent sufficient to provide an amount not exceeding \$140,225.00; and
 - (b) repayable over a term not exceeding twenty (20) years, chargeable to The Corporation of the City of Hamilton.
4. The Commissioner of Regional Engineering is hereby authorized to:
 - (a) prepare all necessary plans, specifications and reports required for the construction of the works; and
 - (b) supervise construction of the works.
5. The Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the works.

PASSED this day of A.D. 1991.

City Clerk

Mayor

(1990) 10 R.T.E.C. 12, July 31
 (1990) 20 R.F.A.C. 15, July 31
 (1990) 26 R.F.A.C. 8, November 27

SCHEDULE "A"

The construction of CONCRETE SIDEWALKS on Upper Paradise Road between Stone Church Road and Lunner Avenue at the costs not exceeding those set out below:

City's Share	\$53,899.88
Owner's Share	<u>86,325.12</u>
TOTAL ESTIMATED COST	<u>\$140,225.00</u>
Estimated Cost per metre frontage	\$84.00
Fifteen (15) annual instalments	

BY-LAW NO. 91 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 10 (Stops at Intersections)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Southwood	Northbound	Margate
Lawnview	Northbound	Lawnhurst
Merilee	Southbound	Rockview
Rockview	Eastbound	Crerar
Berkindale	Northbound and Southbound	Swan".

2. **Schedule 29 (No Stopping Areas)** is hereby amended by deleting therefrom the following item, namely:-

"Moxley	West	Mohawk to 113 feet south	Anytime".
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and by adding thereto the following items, namely:-

"Moxley	West	Mohawk to 65 feet south	Anytime
Upper Homing	West	Guildwood to 51 feet north	Anytime
Britannia	North	MacLaren to 88 feet east	Anytime
Britannia	South	Grimsby to 61 feet east	Anytime
Inverness	North	Elcho to 66 feet east	Anytime".

3. **Schedule 35 (Wheelchair Loading Zones)** is hereby amended by adding thereto the following item, namely:-

"West	East	20 feet	76 feet north of Hunter	8:00 a.m. to 5:00 p.m. Monday to Friday".
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PASSED THIS DAY OF , A.D. 19

CITY CLERK

MAYOR

BY-LAW NO. 91 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 25 (Parking Time Limits)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended:

a) by deleting from **Section 5 (One Hour Limit)** the following item, namely:-

"West	Both	Evans to Cannon".
-------	------	-------------------

b) by adding to **Section 11 (Three Hour Limit)** the following item, namely:-

"East 27th	Both	Mohawk to Seeley".
------------	------	--------------------

2. **Schedule 25A (Parking Time Limits)** is hereby amended:

a) by deleting from **Section 9 (Three Hour Limit)** the following item, namely:-

"Gertrude	North	Avondale to Depew"
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and by adding thereto the following item, namely:-

"Gertrude	North	Avondale to 261 feet west of Depew".
-----------	-------	--------------------------------------

b) and by adding to **Section 18 (One Hour Limit)** the following item, namely:-

"Gertrude	North	Depew to 261 feet west".
-----------	-------	--------------------------

3. **Schedule 25B (Parking Time Limits)** is hereby amended:

a) by deleting from **Section 2 (Two Hour Limit)** the following item, namely:-

"Lottridge	West	Barton to Princess".
------------	------	----------------------

and by adding thereto the following item, namely:-

"Lottridge	West	Clinton to Princess".
------------	------	-----------------------

b) by adding to **Section 4 (One Hour Limit)** the following item, namely:-

"West	Both	Evans to Cannon".
-------	------	-------------------

4. **Schedule 26 (No Parking Areas)** is hereby amended by adding to **Section A (No Parking Anytime)** the following items, namely:-

"Moxley	West	Rideau to 122 feet north
Scott	West	Gainsborough to south end".

5. **Schedule 27 (Alternate Side Parking)** is hereby amended by deleting therefrom the following item, namely:-

"Scott	East	West".
Gainsborough to southerly end		

and by adding thereto the following items, namely:-

"Merilee
Rockview to west end

South and West

North and East

Rockview
Crerar to Sirente

North

South".

6. **Schedule 34 (Sticker Permit Parking)** is hereby amended by adding thereto the following item, namely:-

"Napoli

South

commencing at a point 254 feet
north of Guildwood to a point
25 feet easterly therefrom

Anytime".

PASSED THIS

DAY OF

, A.D. 19 .

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 91-

To Designate:

LAND LOCATED AT MUNICIPAL NO. 179 MARY STREET

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of The Corporation of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1980, Chapter 337;

AND WHEREAS no notice of objection was served on the City Clerk as required by subsection 29(5) of the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(1)(a) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The property located at Municipal No. 179 Mary Street and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of historic and architectural value and interest.

2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.

3. The City Clerk is hereby authorized and directed,
(i) to cause a copy of this by-law, together with reasons for the designation, to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;
(ii) to publish a notice of this by-law in a newspaper having general circulation in the Municipality of the City of Hamilton for three consecutive weeks.

PASSED this day of A.D. 1991.

City Clerk

Mayor

Schedule "A"

To

By-law No. 91-

179 Mary Street, Hamilton, Ontario

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, in The Regional Municipality of Hamilton-Wentworth and being composed of:

FIRSTLY:

Part of a block of land lying between Cannon, Robert, Catharine and Mary Streets in the said City known as Lot Number Nine (9) and a part of Lot Eight (8) fronting on Mary Street in the Survey of part of said Block by the late Hon. Samuel Mills and which said parcel may be otherwise described as COMMENCING on the westerly margin of Mary Street at the distance of two hundred and thirty three feet five inches (233' 5") on a course northerly from the north west corner of Cannon and Mary Streets;

THENCE northerly along said Mary Street fifty feet six inches (50' 6") more or less to the division line fence between the property intended to be hereby conveyed and the lands now or formerly owned by one Peter Fitzpatrick;

THENCE westerly parallel with Cannon Street sixty one feet (61');;

THENCE southerly in a straight line parallel with Mary Street eight feet (8');;

THENCE westerly in a line parallel with Cannon Street to a point midway between Mary and Catharine Streets at the rear of Lot 2 lately conveyed to one Stephen F. Lazier;

THENCE southerly along the rear of said Lot 2 to the southerly boundary of said Lot 9;

THENCE easterly along the south boundary of Lot 9 aforesaid to the place of beginning, being the lands in Instrument 62543.

SAVING AND EXCEPTING therefrom the lands more particularly described in a Deed dated March 28th, 1904 to D. Moore Co. Ltd. and registered on the 30th March, 1904 in Book for the City of Hamilton as No. 79832, and more particularly described as being composed of part of the lot and land lying between Cannon, Robert, Catharine and Mary Streets known as parts of Lots No. 8 and 9 in the survey of part of said lot by the late Honourable Samuel Mills more particularly described as follows:

COMMENCING at the south west angle of said Lot No. 9;

THENCE easterly parallel with Cannon Street forty feet (40');

THENCE northerly parallel with Mary Street to the northern boundary of the lands described in a Deed from Thomas Reche and the said Louisa Reche which bears date the 12th day of November 1896 and registered as Number 62543 for the City of Hamilton;

THENCE westerly parallel with Cannon Street forty feet (40') to a point midway between Mary and Cannon (Catharine) Streets at the rear of Lot No. 2 at one time conveyed to one Stephen Franklin Lazier;

THENCE southerly along the rear of said Lot No. 2 to the place of beginning. Upon the said lands is said to be erected dwelling house known as Number 179 Mary Street according to the present municipal numbering.

SECONDLY:

Part of a block of land lying between Cannon, Robert, Catharine and Mary Streets, in the said City known as part of Lot Number Eight (8) fronting on Mary Street in the survey of part of said block by the late Honourable Samuel Mills and which said parcel may be otherwise described as:

COMMENCING on the west side of Mary Street at the south-east angle of said Lot Number Eight (8);

THENCE westerly along the division line between Lots Eight (8) and Nine (9), Sixty-one feet (61') to the place of commencement of the hereinafter described parcel of land.

THENCE westerly along the division line between the said Lots Eight (8) and Nine (9), Twenty-four feet (24') to a point at the rear of Lot Eight (8);

THENCE northerly along the rear of the said Lot Eight (8), Eight feet (8') to a point;

THENCE easterly and parallel to the division line between Lots Eight (8) and Nine (9), Twenty-four feet (24') to a point;

THENCE southerly and parallel to Mary Street Eight feet (8') to the place of beginning.

to

By-law no. 91

REASONS FOR DESIGNATION

The Raich House

179 Mary Street, Hamilton

Architectural Significance

The 1 1/2 storey frame clapboard house at 179 Mary Street was built for, and possibly also by, Thomas and Peter Fitzpatrick, both carpenters by trade. The house is unique in the Hamilton area in that it is both a rare surviving example of pre-Confederation frame construction and the Classic Revival style. Features characteristic of Classic Revival houses in Ontario include its centre-hall plan, symmetrical facade, medium-pitched, side-gabled roof with returned eaves, prominent end chimneys, six-over-six double-hung sash windows and transomed doorway. 179 Mary Street combines a simplicity of design with an elegance of detailing most evident in the finely crafted doorway comprising a pair of Ionic columns supporting a full entablature with projecting end blocks, above which is a five-paned rectangular transom light. Also noteworthy is the original wooden mantelpiece in the living room (north wall), which echoes the design of the front entrance.

The house represents a local vernacular adaptation of the Classic Revival style in its use of the raised basement (originally housing the kitchen), a common feature of houses built in Hamilton at the time.

Historical Associations

Associated for much of its history with the Raich family, the house was first acquired around 1865 by Anthony Riche, a carpenter and wagonmaker. The last surviving Raich, Louisa, sold the house in 1942 to George Shannon and his wife.

Context

Located in the block between Cannon and Robert, a residential streetscape composed largely of later 2 1/2 storey Victorian brick houses and terraces, the Raich House stands out visually as an exceptionally early and particularly distinctive building, owing to its contrasting scale, design and construction.

Designated Features

Important to the preservation of 179 Mary Street are the original architectural features of the front (west), north and south facades, including the wood siding, two end chimneys, original doorway (excluding the concrete stairs and modern front door), and the living room mantelpiece.

The Corporation of the City of Hamilton

BY-LAW NO. 91-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 252 JAMES STREET NORTH

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District provisions, as contained in Section 10 of Zoning By-law No. 6593, applicable to the land comprised in Block 1, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the following special requirement that,

- (a) notwithstanding Section 10(1) of By-law No. 6593, a columbarium shall be permitted only within the church building existing at the date of the passing of the by-law.

2. The "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, applicable to the land comprised in Block 2, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the following special requirement that,

- (a) notwithstanding Section 14(1) of By-law No. 6593, a columbarium shall be permitted only within the church building existing at the date of the passing of the by-law.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "D" District and "H" District provisions, subject to the special requirements referred to in sections 1 and 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1216.

5. Sheet No. E-3 of the District Maps is amended by marking the lands referred to in sections 1 and 2 of this by-law, S-1216.

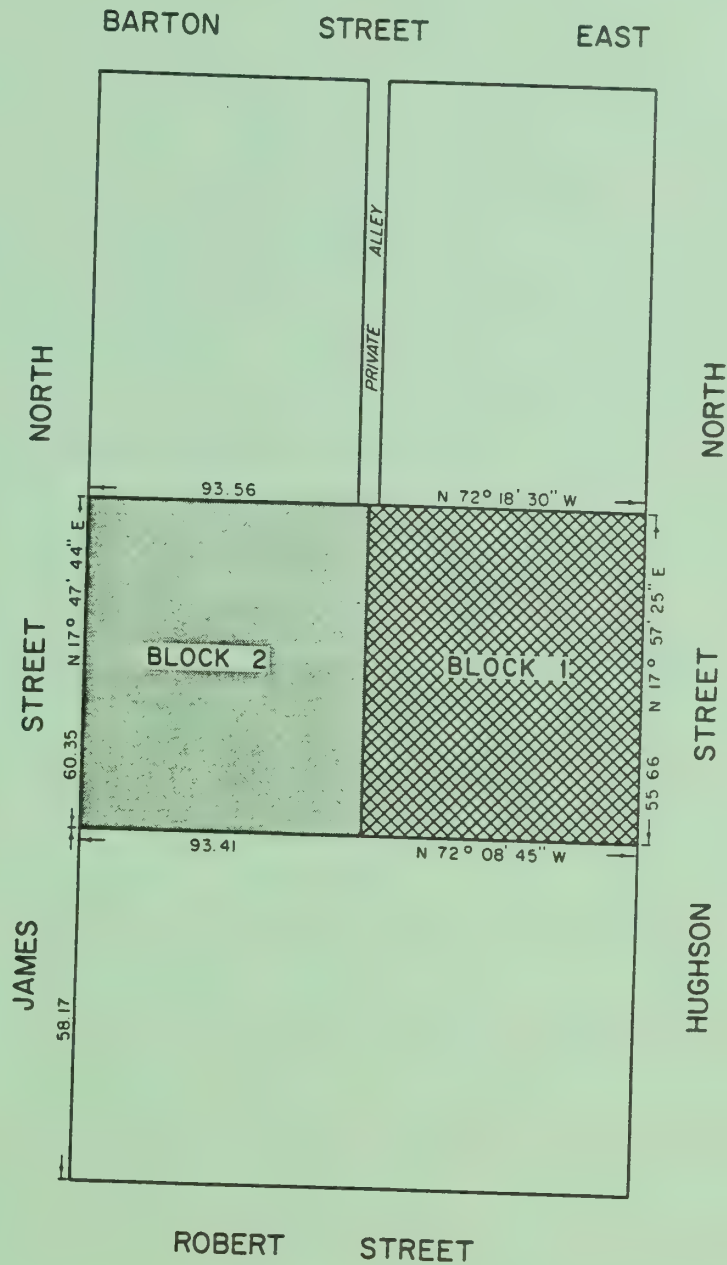
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of A.D. 1991.

City Clerk

Mayor

(1991) 2 R.P.D.C. 7, February 12
The Rector and Church Warden of
Christ Church Cathedral, Owner
ZA-90-89



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 91-.....
Passed the day of, 1991.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 91-.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 91-

North



Scale
NOT TO SCALE

Date
MARCH, 1991

Reference File No.
ZA 90-89

Drawn By
L.B.

The Corporation of the City of Hamilton

BY-LAW NO. 91-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED ON THE WEST SIDE OF UPPER WELLINGTON STREET
IN THE AREA SOUTH OF THE MOUNTAIN FREEWAY

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-9B of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "AA" (Agricultural) District to "C"- "H" (Urban Protected Residential, etc. - Holding) District, the land comprised in Block 1,
- (b) by changing from "AA" (Agricultural) District to "E-2"- "H" (Multiple Dwellings - Holding) District, the land comprised in Block 2, and
- (c) by changing from "AA" (Agricultural) District to "RT-20"- "H" (Townhouse - Maisonette - Holding) District, the land comprised in Block 3,

the extent and boundaries of each of which Blocks 1, 2 and 3 are shown on a plan hereto annexed as Schedule "A".

2. The "C" (Urban Protected, Residential, etc.) District, "E-2" (Multiple Dwellings) District and "RT-20" (Townhouse - Maisonette) District, referred to in section 1, shall be subject to the special require-ment that,

- (a) upon the availability of all such municipal sewers serving the subject lands as the City deems necessary, the 'H' symbol shall be removed by amendment to this by-law, and the development of the lands referred to in section 1 may proceed in accordance with the "C" District, "E-2" District and "RT-20" District provisions.

3. The "E-2" (Multiple Dwellings) District provisions, as contained in Section 11B of Zoning By-law No. 6593, applicable to the land referred to in Section 1(b), are amended to the extent only of the special requirement that,

- (a) no vehicular access to and egress from Block 2 shall be permitted from Upper Wellington Street.

4. The "RT-20" (Townhouse - Maisonette) District provisions, as contained in Section 10E of Zoning By-law No. 6593, applicable to the land referred to in Section 1(c), are amended to the extent only of the special requirement that,

- (a) notwithstanding Section 10E of By-law No. 6593, a planting strip of not less than 3.0 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire westerly lot line, except for that portion required as a berm easement.

5. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E-2" District and "RT-20" District provisions, subject to the special requirements referred to in sections 3 and 4.

6. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1221.

7. Sheet No. E-9B of the District Maps is amended by marking the lands referred to in section 1(b) and 1(c) of this by-law, S-1221.

8. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

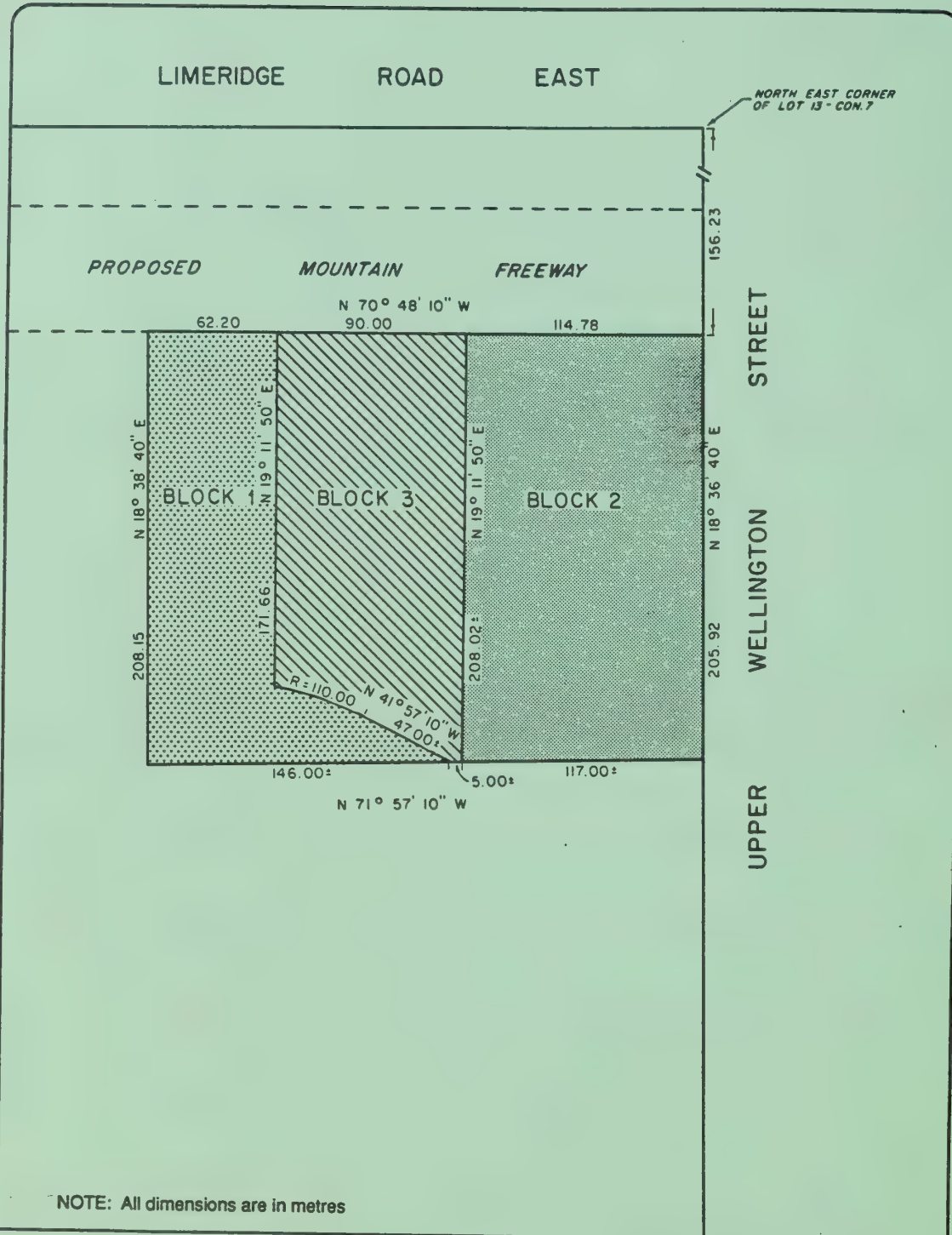
PASSED this

day of

A.D. 1991.

City Clerk

Mayor



This is Schedule "A" to By-Law No.91-.....
 Passed the day of ,1991.

..... Clerk

..... Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No.91-.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from "AA" (Agricultural) District to:

- BLOCK 1** "C"-H' (Urban Protected Residential, etc.-Holding) District.
- BLOCK 2** "E"-2"-H' (Multiple Dwellings-Holding) District, Modified.
- BLOCK 3** "RT"-20"-H' (Townhouse-Maisonette-Holding) District, Modified.

North	Scale NOT TO SCALE	Reference File No. ZA 90-46
	Date April, 1991	Drawn By L.B.

The Corporation of the City of Hamilton

BY-LAW NO. 91-

To Adopt:

Official Plan Amendment No. 98

Respecting:

LANDS LOCATED ON THE EAST SIDE OF WEBSTER ROAD,
NORTH OF THE T.H. & B. RAILWAY

The Council of The Corporation of the City of Hamilton
enacts as follows:

1. Amendment No. 98 to the Official Plan of the Hamilton
Planning Area consisting of Schedule 1, hereto annexed and forming
part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval
of the Official Plan Amendment referred to in section 1 above, as
may be requisite, be obtained and for the doing of all things for
the purpose thereof.

PASSED this day of A.D. 1991.

City Clerk

Mayor

Amendment No. 98
to the
City of Hamilton Official Plan

The following text, together with Schedules "A", "B", "C", "D", "F", "G" and "H", attached hereto, constitutes Official Plan Amendment No. 98.

Purpose

In 1989 the City of Hamilton annexed the subject lands from the City of Stoney Creek. The purpose of this Amendment is to establish the appropriate designations for the subject lands, specifically, to establish a "Residential" designation on Schedule "A" - Land Use Concept, to include the subject lands within "Special Policy Area 1b" on Schedule "B" - Special Policy Areas, to include the subject lands within the Gershome Neighbourhood on Schedule "G" - Planning Units and to extend the boundaries of the City limits on Schedules "C" - Hazard Lands, "D" - Environmentally Sensitive Areas, "F" - Major Roads, and "H" - Community Improvement Areas.

Location

The lands affected by this Amendment are 2.35 hectares in area and are located on the east side of Webster Road, north of the TH&B Railway.

Basis

The establishment of designations in the City of Hamilton Official Plan, as well as in the Gershome Neighbourhood Plan and Zoning By-Law, is necessary so that the subject lands are covered by City of Hamilton municipal planning controls, in accordance with the provisions of the Planning Act.

Actual Changes

- 1) Schedule "A" - Land Use Concept of the Official Plan be revised by establishing a "Residential" designation for the subject lands, as shown on the attached Schedule "A" of this Amendment.
- 2) Schedule "B" - Special Policy Areas of the Official Plan be revised by including the subject lands within "Special Policy Area 1b", as shown on the attached Schedule "B" of this Amendment.
- 3) Schedule "G" - Planning Units of the Official Plan be revised by including the subject lands within the Gershome Neighbourhood, as shown on the attached Schedule "G" of this Amendment.

- 4) Schedules "C" - Hazard Lands, "D" - Environmentally Sensitive Areas, "F" - Major Roads, and "H" - Community Improvement Areas of the Official Plan be revised by including the subject lands within the City of Hamilton boundaries, as shown on the attached Schedules "C", "D", "F", and "H" of this Amendment.

Implementation

The provisions of Subsection D - Implementation of the Official Plan, as amended, will apply to the implementation of this Amendment.


This is Schedule "1" to By-law No. 91-_____, passed on the _____ day of _____, 1991.

**The Corporation of the
City of Hamilton**

City Clerk

Mayor

schedule A
amendment no. 98
 to the
 official plan
 for the
 city of hamilton

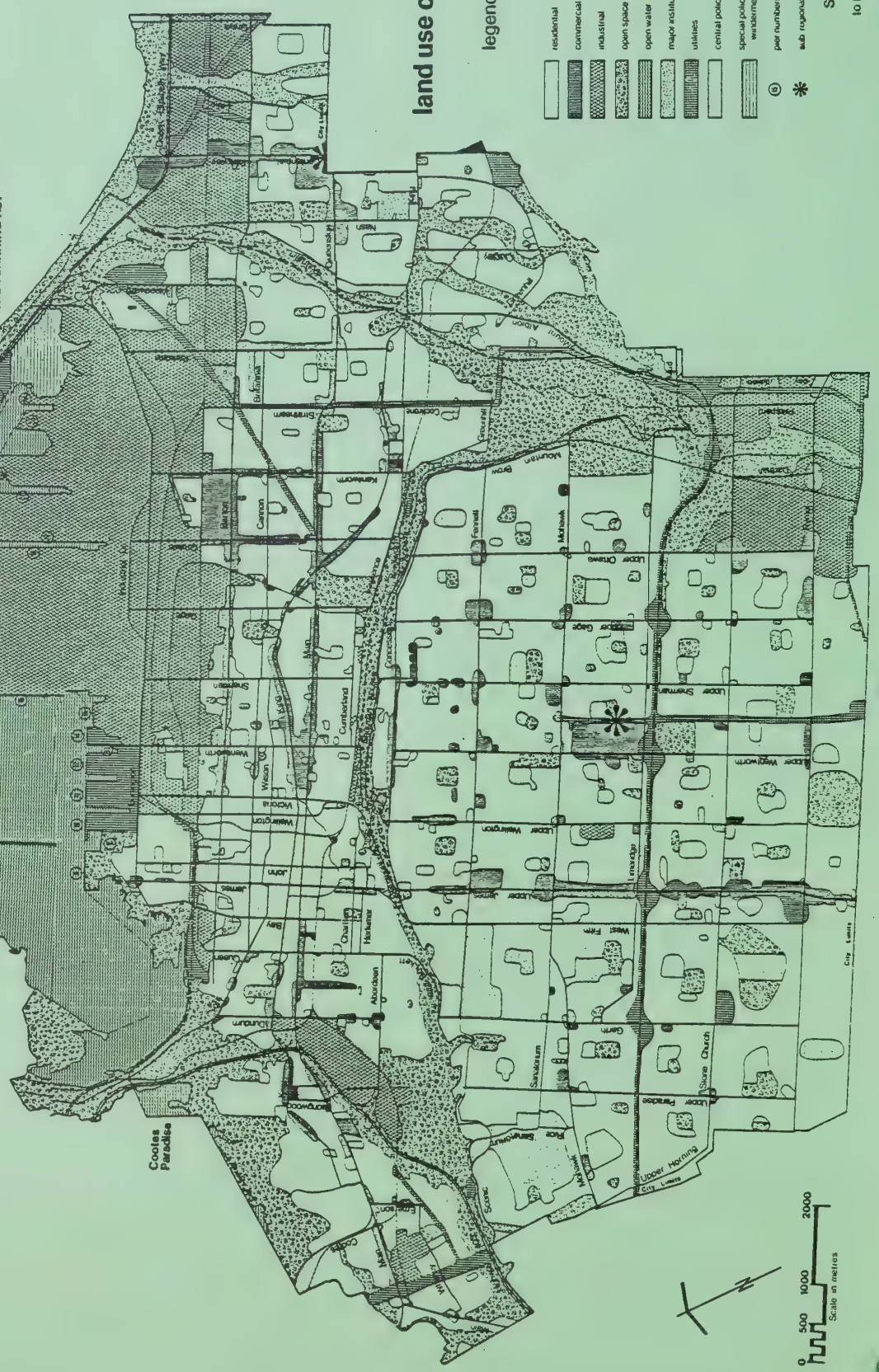
legend	
	establish "residential" designation
date April 1991	drawn by E.C.
reference file no. 6-2-98	

DEFERRED NO D-6
 UNDER SECTION 14(3) OF
 THE PLANNING ACT

Lake Ontario













Hamilton Harbour

Coolies
Paradise



land use concept

legend

-  residential
-  commercial
-  industrial
-  open space
-  open water
-  major institutional
-  utilities
-  central policy area
-  special policy area
-  watersheds basin
-  per numbers
-  sub regional centre

schedule A
 to the official plan
 for
 the city of hamilton
 MAY 4, 1990

schedule B amendment no. 98 to the official plan for the city of hamilton

legend

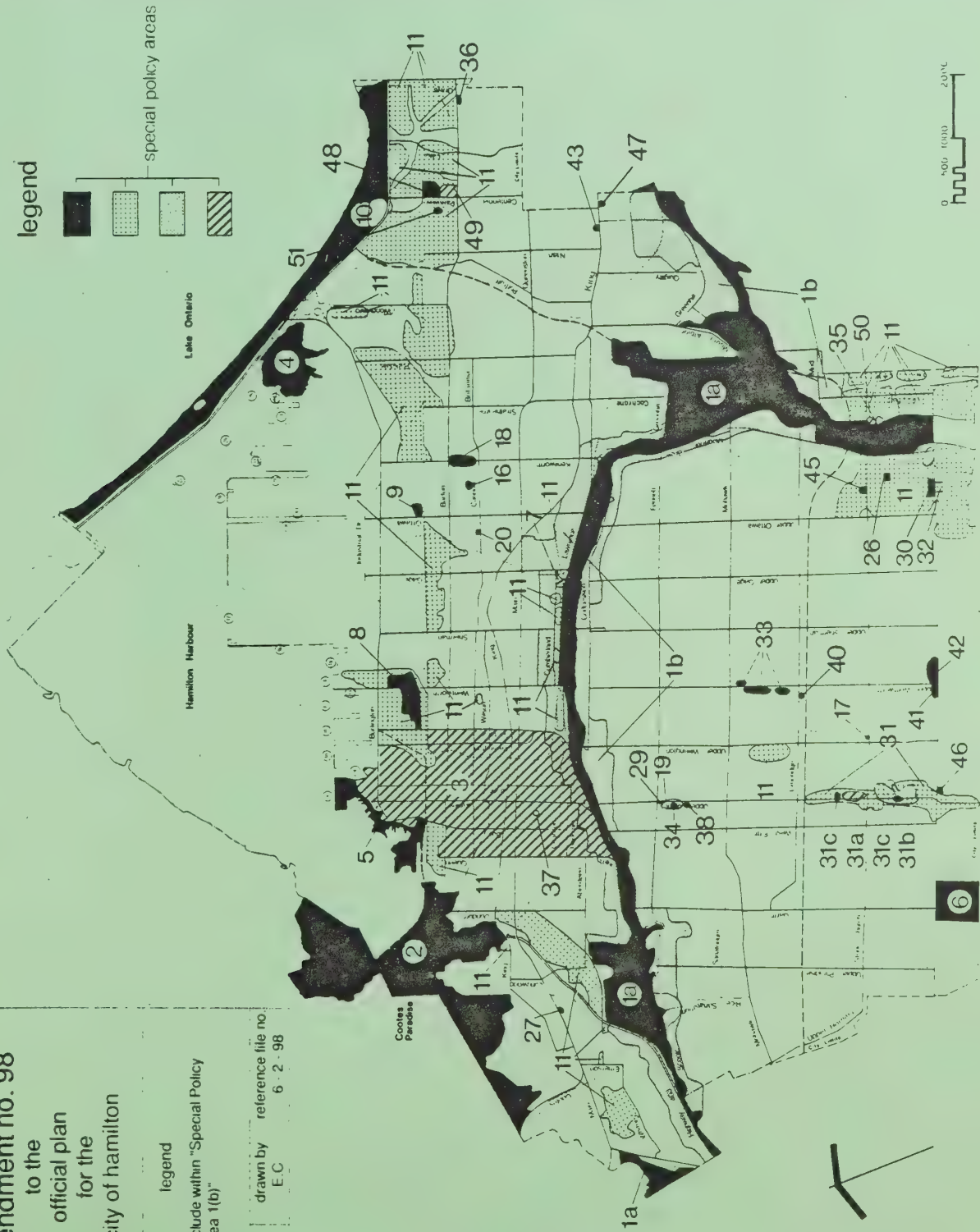
Include within "Special Policy
Area 1(b)"

date
April, 1991
drawn by
E.C.
reference file no.
6-2-98

legend



special policy areas



special policy areas

REFER TO
POLICY

1(a)	A291
1(b)	A291
2	A292
3	A293
4	A293.1
5	A293.2
6	A293.3
7	A293.4
8	A293.5
9	A293.6
10	A293.7
11	A293.8
16	A293.9
17	A293.10
18	A293.11
19	A293.12
20	A293.13
26	A293.14
27	A293.15
29	A293.16
30	A293.17
31	A293.18
31(a)	A293.19
31(b)	A293.20
32	A293.21
33	A293.22
34	A293.23
35	A293.24
36	A293.25
37	A293.26
38	A293.27
39	A293.28
40	A293.29
41	A293.30
42	A293.31
43	A293.32
45	A293.33
46	A293.34
47	A293.35
48	A293.36
49	A293.37
50	A293.38
51	A293.39

Refer to Schedule B - 1 for Special
Policy Areas in the Downtown

schedule B

to the official plan
for
the city of hamilton

90 11 04

schedule C
amendment no. 98
to the
official plan
for the
city of hamilton

legend

Include within City of Hamilton
boundaries.

date
April, 1991

drawn by
E.C.

reference file no.
6 - 2 - 98

hazard lands

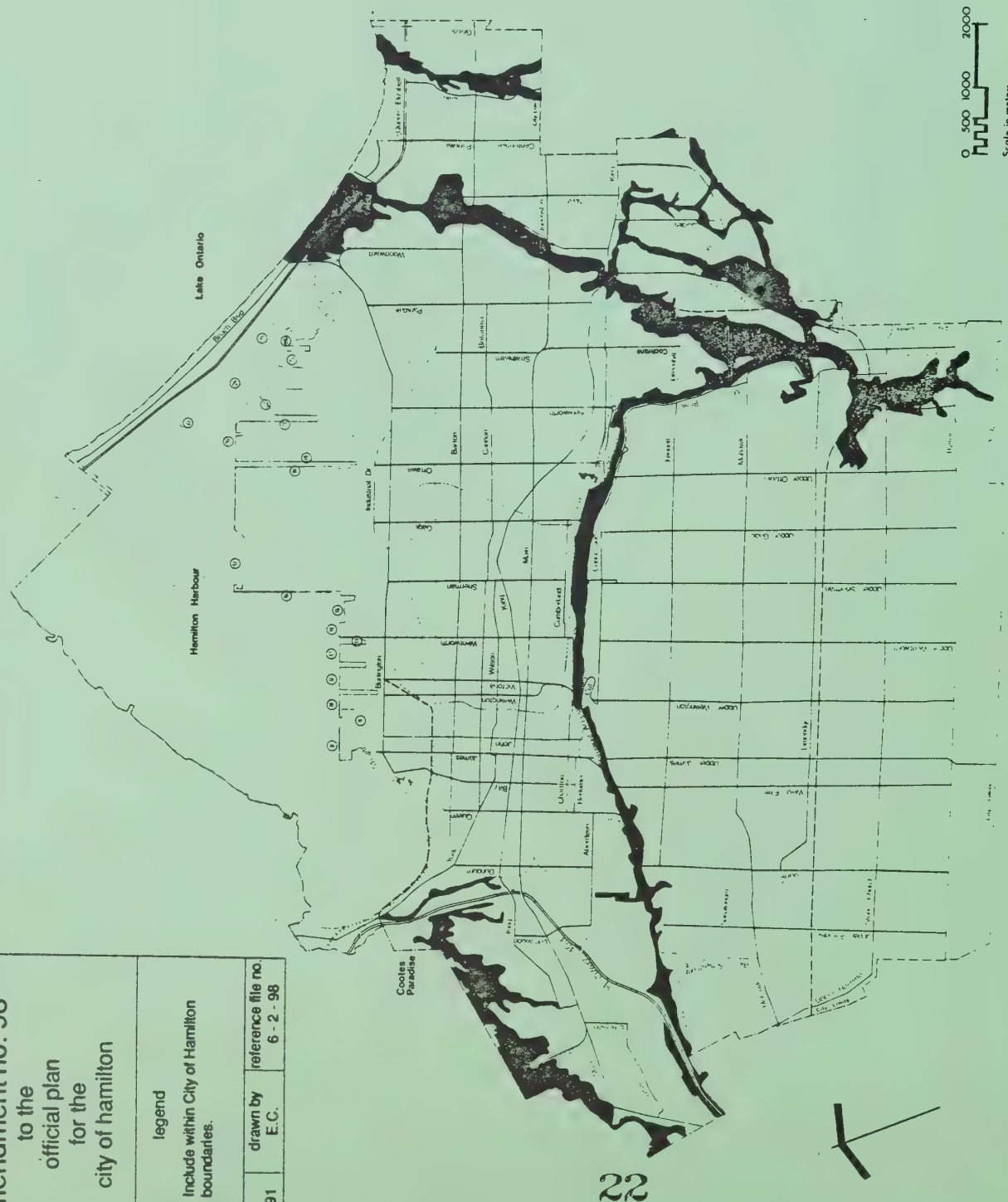
legend

hazard lands

(for more precise deline-
ation of hazard lands,
refer to the flood and
fill line mapping
approved by the appropri-
ate conservation authority)

schedule C

to the official plan
for
the city of hamilton
June 30, 1990



schedule D
amendment no. 98
to the
official plan
for the
city of hamilton

legend

Include within City of Hamilton boundaries.

date
April, 1991

drawn by
E.C.

reference file no.
6 - 2 - 98

**environmentally
sensitive areas**

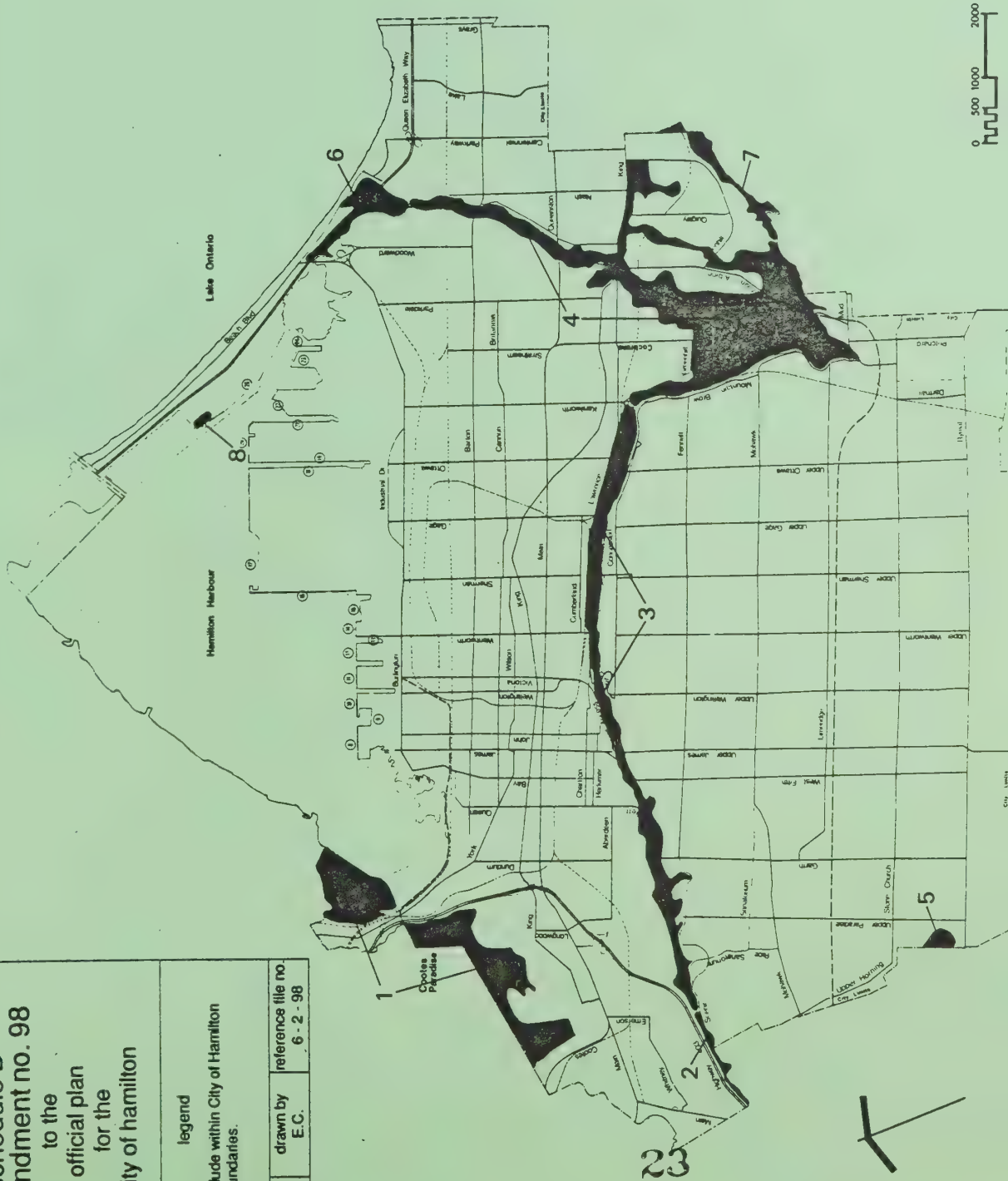
legend

- 1 royal botanical gardens,
coolies paradise
- 2 hamilton mountain
(radial line)
- 3 hamilton niagara
escarpment
- 4 red hill creek,
kings forest
- 5 ancaster creek
headwater
- 6 red hill creek marsh
van wagners marsh
- 7 finkers falls &
niagara escarpment
- 8 toll gate ponds

REVISIONS

DATE	O P A / SOURCE
83 03 08	Council Direction

schedule D
to the official plan
for
the city of hamilton
JUNE 30, 1990



0 500 1000 2000
Scale in meters

schedule F
amendment no. 98
to the
official plan
for the
city of hamilton

legend

Include within City of Hamilton
boundaries.

date	drawn by	reference file no.
April, 1991	E.C.	6 - 2 - 98

major roads

legend

- inter-regional highway
- arterial roads (regional)
- proposed arterial roads (regional)
- other roads
- 36m designated rights-of-way width

schedule F
to the official plan
for
the city of hamilton
JUNE 30, 1990



schedule G amendment no. 98 to the official plan for the city of hamilton

legend
Include within the GarsHOME
Neighbourhood.

date April, 1991	drawn by E.C.	reference file no. 6 - 2 - 98
---------------------	------------------	----------------------------------

planning units

neighbourhood name
& boundary
community boundary
multi-centre

schedule G
to the official plan
for
the city of hamilton
JUNE 30, 1990



schedule H
amendment no. 98
to the
official plan
for the
city of hamilton

legend

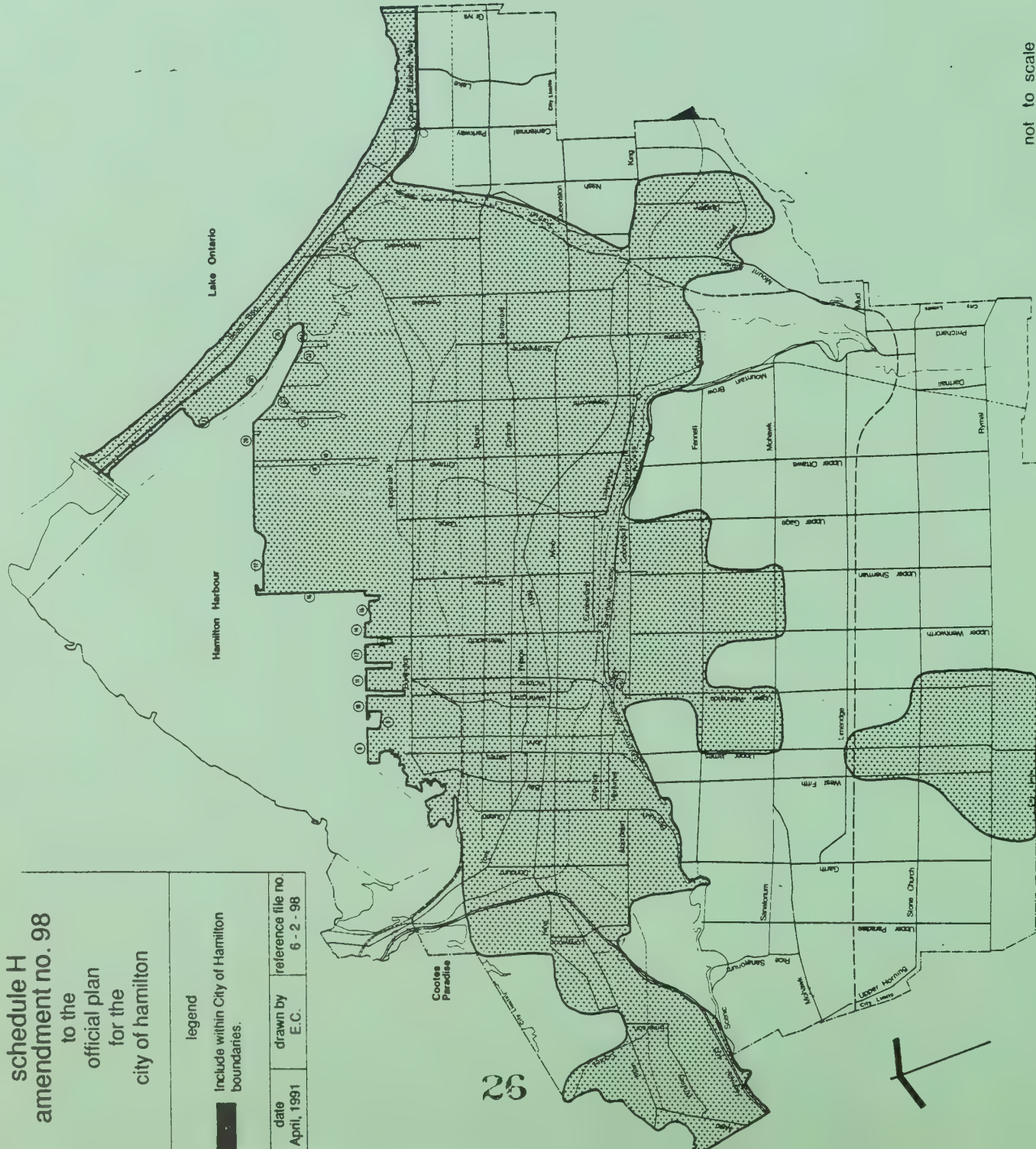
Include within City of Hamilton
boundaries.

date
April, 1991

drawn by
E.C.

reference file no.
6 - 2 - 98

26



not to scale

community
improvement
areas

legend



community
improvement areas

schedule H
to the official plan
for
city of hamilton

June 30, 1990

The Corporation of the City of Hamilton

BY-LAW NO. 91-

To Amend:

Zoning By-law No. 6593
and By-law No. 91-063 and By-law No. 91-064

Respecting:

LANDS LOCATED AT THE NORTHEAST CORNER OF JACKSON STREET EAST
AND FERGUSON AVENUE SOUTH

and

LANDS LOCATED AT MUNICIPAL NOS. 206-210 JACKSON STREET EAST

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

AND WHEREAS By-law No. 91-063 and By-law No. 91-064 were passed on the 9th day of April 1991 to establish special requirements under Section 19B of By-law No. 6593;

AND WHEREAS an inadvertent textual error occurred in the said by-laws.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Clause (f) of Section 2 of By-law No. 91-063 is amended by adding thereto the following words, after the word "maintained" in the third line:

" , of which not less than 9 parking spaces shall be designated for use by the property located at Nos. 206-210 Jackson Street East."

2. Clause (e) of Section 1 of By-law No. 91-064 is amended by striking out the words, "of which not less than 9 parking spaces shall be designated for use by the property located at Nos. 206-210 Jackson Street East", in the sixth, seventh and eighth lines.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedules S-1177a and S-1178a.

4. Sheet No. E-5 of the District Maps is amended by marking the lands referred to in Section 1 of By-law No. 91-063, S-1178a and Section 1 of By-law No. 91-064, S-1177a.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of A.D. 1991.

City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 91-

To Adopt:

THE CENTRAL/BEASLEY COMMUNITY IMPROVEMENT PLAN

WHEREAS Section 1 of By-law No. 91-044, passed on the 12th day of March 1991 designated the area described in Schedule "A" and shown on Schedule "B" thereto as a community improvement project area in accordance with subsection 28(2) of the Planning Act, 1983;

AND WHEREAS it is intended to adopt a community improvement plan for the said area in accordance with subsection 28(4) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The Central/Beasley Community Improvement Plan hereto annexed as Schedule "A" and forming part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that the approval of the Community Improvement Plan referred to in section 1 shall include approval for the doing of all things for the purpose thereof.

3. This by-law comes into force and effect on the date of its approval by the Ministry of Municipal Affairs.

PASSED this day of A.D. 1991.

City Clerk

Mayor

Schedule "A"

To

By-law No. 91-

CENTRAL/BEASLEY

COMMUNITY IMPROVEMENT PLAN

DEPARTMENT OF PUBLIC WORKS/STREETS AND SANITATION DIVISION

1991 APRIL

TABLE OF CONTENTS

PAGE NO.

A)	Introduction to the Community Improvement Plan	1
B)	Neighbourhood Profile	1
C)	Community Improvement Plan	3
D)	Implementation Process/Schedule	5
E)	Conclusion	6

SCHEDULES

"A"	Central/Beasley P.R.I.D.E. Community Improvement Project Area Map
"B"	Neighbourhood(s) Zoning Map
"C"	Neighbourhood(s) Land Use Map

CENTRAL/BEASLEY COMMUNITY IMPROVEMENT PLAN

Introduction to the Community Improvement Plan

On 1989 December 01, at the request of Hamilton City Council, the Department of Community Development applied for Provincial funding for the Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) for the Central/Beasley Neighbourhood. Subsequently, a letter dated 1990 July 04, from the Honourable John Sweeney, Minister of Municipal Affairs, approved a Provincial contribution of three hundred and thirteen thousand, five hundred dollars (\$313,500.). This will be matched by a contribution of three hundred and thirteen thousand, five hundred dollars (\$313,500.) from the City of Hamilton, for a total of six hundred and twenty-seven thousand dollars (\$627,000.) to address residential concerns.

In 1990 December, a Neighbourhood Advisory Committee was established by both election and appointment at a public meeting, for the purpose of obtaining public input in order to draft this Community Improvement Plan. As well, a survey of the neighbourhood residents was administered and staff input given during the plan formulation.

The provision of neighbourhood services is essential to the well-being of residents, business and industry in the area and surrounding communities. These services include parks, recreational and social programmes, schools, hard services (such as roads, lighting improvements, streetscaping) and buffering.

Parkland provides opportunity for both spontaneous and programmed forms of recreation for all age groups. It is desirable to provide parkland within walking distance of all residents.

Also, institutional uses such as schools and meeting halls serve as focal points for community participation in the neighbourhood.

This Community Improvement Plan conforms with the City of Hamilton's Official Plan (Sub-Section D.10 - Community Improvement, attached as Schedule 'F'), the Property Standards By-law No. 74-74, the Central and Beasley Neighbourhood Plans.

Neighbourhood Profile

The Central and Beasley Neighbourhoods comprise approximately 223 hectares in Hamilton's Central Business District with a total population of approximately 9000 persons (1988 Population Statistics). These adjacent neighbourhoods are bounded by the Canadian National Railway to the north, Main Street to the south, Wellington Street in the east and Queen Street in the west.

Central and Beasley Neighbourhoods contain a wide variety of land uses (1987, Land Use Characteristics) including residential (40%), commercial (23%), industrial (12%), open space (4%), institutional (8%), and other, such as transportation, communication, utilities and parking (13%).

...../2

The Community Improvement Project Area for Central/Beasley (hereafter referred to as the Central/Beasley Neighbourhood for purposes of the Plan) is made up of only part of these two neighbourhoods. Approximately 75% of Beasley and 30% of Central are included (see location map). Portions have been excluded due to involvement in other Improvement Plans such as the Downtown Action Plan.

Housing in Central/Beasley is mixed with single family homes, multi-unit homes, row housing, low rise and high rise apartments, and some newer townhouses. Being in the downtown core, the housing in Central/Beasley can be characterized as being some of the oldest in the City. Approximately 65% of the residential units were constructed prior to 1900, 32% between 1901 and 1940, and only 3% between 1940 and the present.

Commercial uses are concentrated mainly on the major arterial roads such as Wilson, Cannon, Barton, Wellington, York Boulevard and Bay Streets. Again, being in the Central Area, mixed commercial/residential uses are abundant, even on the non-arterial streets.

Industrial uses are limited mainly to the northerly area of the Central/Beasley Neighbourhood. This can be attributed to the Canadian National Railway which is the northerly boundary of both Central and Beasley Neighbourhoods.

There are two schools in the Community Improvement Project area. St. Mary's Elementary School is under the jurisdiction of the Hamilton-Wentworth Roman Catholic School Board Separate School System. The Dr. J. Edgar Davey School is the responsibility of the Hamilton Board of Education Public School System. The latter provides the potential for development in conjunction with the adjacent Beasley Neighbourhood Priority One Park.

Land use in Central/Beasley is regulated by zoning by-laws which are controlled by the City of Hamilton's Official Plan, Central and Beasley approved Neighbourhood Plans and related policies. Both the Central and Beasley Neighbourhood Plans were adopted by City Council in 1973. They identify which land uses are considered appropriate for future development in different areas throughout the neighbourhoods in conformance with the City of Hamilton's Official Plan. The Beasley Priority One Park, adjacent to the Dr. J. Edgar Davey Public School, is identified in the Beasley Neighbourhood Plan.

As well, the Central/Beasley Neighbourhood falls within the boundaries of the Central Area Plan, which is a document adopted by City Council in 1988 providing policy directions for the Central Area. It encourages balanced growth through guidelines for residential, commercial, institutional, industrial, recreational and cultural land use.

Very little parkland is available in Central/Beasley for use by its residents and workers. Areas for both active and passive recreation such as baseball, football, tennis and skating, or picnicing, relaxing and sunbathing would greatly improve the quality of life in the Neighbourhood.

The Central/Beasley Neighbourhood is an older mixed use area in need of upgrading to enhance its social, recreational, commercial and industrial facilities.

.../3

COMMUNITY IMPROVEMENT PLAN

The Community Improvement Plan will be presented in the following format;

Goals - what the neighbourhood would like to ultimately obtain

Objectives - the steps the neighbourhood will take to achieve the goals

Actions - what the neighbourhood will implement in order to achieve the objectives

GOAL ONE

Develop Public Awareness as to Neighbourhood Needs

Objective 1.1 Create an effective Neighbourhood Association to identify problems and address same.

Action 1.1.1 For the Central/Beasley P.R.I.D.E. Citizens Advisory Committee to carry on and follow through on Objective 1.1, once the P.R.I.D.E. process has been completed.

Action 1.1.2 For the Neighbourhood Association to elect a President

Objective 1.2 Create an understanding of local government procedure.

Action 1.2.1 The Citizens' Advisory Committee actively take a role in reviewing neighbourhood concerns that cannot be addressed by the P.R.I.D.E. process.

GOAL TWO

Develop High Quality Recreation Services

Objective 2.1 Improvements to existing parks and facilities.

Action 2.1.1 Rehabilitate Beasley Park.

Action 2.1.2 Neighbourhood Association submit request to Parks Maintenance to review maintenance programmes (for entire area as well).

Action 2.1.3 Rehabilitate McLaren Park.

Objective 2.2 Create new recreational facilities.

- Action 2.2.1** Expand Beasley Park to the north and north east as per the approved Plans for the Beasley Neighbourhood.
- Action 2.2.2** Neighbourhood Association request feasibility study for building Community Recreation Centre onto Davey School.
- Action 2.2.3** Investigate the feasibility of building a passive park at 193 Elgin (Cancord Inc.).
- Action 2.2.4** Examine the feasibility of expanding McLaren park to the east via a pedestrian corridor to Catharine Street.

Objective 2.3 Improve accessibility to existing recreational facilities.

- Action 2.3.1.** Crosswalk across John Street between Robert and Cannon to access McLaren Park.

GOAL THREE

Increase Public Safety

Objective 3.1 Reduce crime in the neighbourhood.

- Action 3.1.1** Neighbourhood Association works with local authorities in identifying concerns.
- Action 3.1.2.** Police be invited to make presentation to the Neighbourhood Association about various programmes (i.e. Crime Stoppers, Business Watch, etc.).

Objective 3.2 Improve the walking conditions in the neighbourhood.

- Action 3.2.1** St. Mary's pathway improvements (i.e. lights, aesthetics).
- Action 3.2.2.** Neighbourhood Association identify sidewalk improvement areas and review same with Regional Engineering.
- Action 3.2.3** Neighbourhood Association identify areas in need of improved lighting (sidewalks, alleyways, parking lots) and review same with Hamilton Hydro Electric Systems.

Objective 3.3 Improve on-street parking.

- Action 3.3.1** Neighbourhood Association identify problem areas and review same with the Traffic Department and the Parking Authority.

GOAL FOUR

Better Overall Health of the Community

Objective 4.1 Improve accessibility to existing social service agencies in the area.

Action 4.1.1 The Citizens' Advisory Committee to encourage the social service agencies to seek streetscaping improvements under existing City programmes other than P.R.I.D.E. funds.

Action 4.1.2 Provide housing loans information to social service agencies for the encouragement to rehabilitate their facilities and provide better services.

Action 4.1.3 Encourage social service agencies to work with newly developed community services.

Objective 4.2 Improve the environmental quality of the neighbourhood.

Action 4.2.1 Neighbourhood Association request Ministry of the Environment most recent report with respect to air quality.

Action 4.2.2 Neighbourhood Association identify litter problem areas and review same with the Department of Public Works.

Action 4.2.3 Neighbourhood Association contact Keep Hamilton Clean Committee for input.

Objective 4.3 Improve general information and referral services in the area.

Action 4.3.1 Neighbourhood Association request that local agencies make presentation of services provided.

Action 4.3.2 Neighbourhood Association distribute 4.3.1 information to the community (i.e. newsletter).

D) IMPLEMENTATION PROCESS/SCHEDULE

Implementation of the Central/Beasley P.R.I.D.E. Programme will occur from 1991-1993. The total cost of this project will be six hundred and twenty-seven thousand dollars (\$627,000.) where the contributions are 50% Municipal and 50% Provincial.

Improvements will include park development and rehabilitation, social services accessibility, parking lot buffering and lighting improvements.

Design Consultant site plans will be presented to the Public in the Spring of 1991 after review with staff and the Citizens' Advisory Committee and construction will proceed in the Fall of 1991.

Non P.R.I.D.E. identified concerns will be addressed by the Citizens' Advisory Committee/Neighbourhood Association, with the support of Municipal staff.

E) CONCLUSION

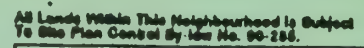
The City of Hamilton has grown and developed rapidly over the past few years. With this change arises the need for community improvement, specifically within the Central/Beasley P.R.I.D.E. area. Both Hamilton City Council and the public acknowledge the significance of redevelopment and rebuilding which will enable this neighbourhood to maintain and grow in its future viability.

With tempered accomplishments through the Central/Beasley P.R.I.D.E. we hope to augment the excellence of life, improve recreation, health and safety amenities to this, the oldest neighbourhood within the City.

Finally, it is hoped that this P.R.I.D.E. process will help to develop a neighbourhood strength and pride to continue on with the betterment of all who live in this neighbourhood.



CITY OF HAMILTON
CENTRAL BEASLEY
PLAN 2

38



All Lands Within This Neighbourhood is Subject
To Site Plan Control By-law No. 60-231.

<p>107 100 00 21 10 00 05 00 100</p> <p>This is not a Legal Document For Issuing Transfers Please Contact City Building Department</p>	<p>CITY OF HAMILTON</p> <p>SEASLEY</p> <p>ZONING</p>
<p>Neighbourhood Boundary Zoning Boundary</p> <p>Prepared by: City of Hamilton</p>	<p>Scale 1:10,000</p> <p>1000000 1000 100 10 1</p>



NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

- * PROPOSED SPECIAL POLICIES FOR DEVELOPMENT ON NORTH AND WEST PERIMETER OF THE BLOCK
- ORIENTATION OF UNITS TOWARDS THE THRU OF THE SITE
- ROW FORM OF HOUSING
- SUBJECT TO HOME STUDY AND DECOMMISSIONED PLAN
- AIR CONDITIONS

All Lands Within This Neighbourhood is Subject To The Plan Control By Law No. 90-286.

EXISTING POPULATION (1985) 3647

LAND USE

RESIDENTIAL

- single & double detached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- COMMERCIAL & INDUSTRIAL

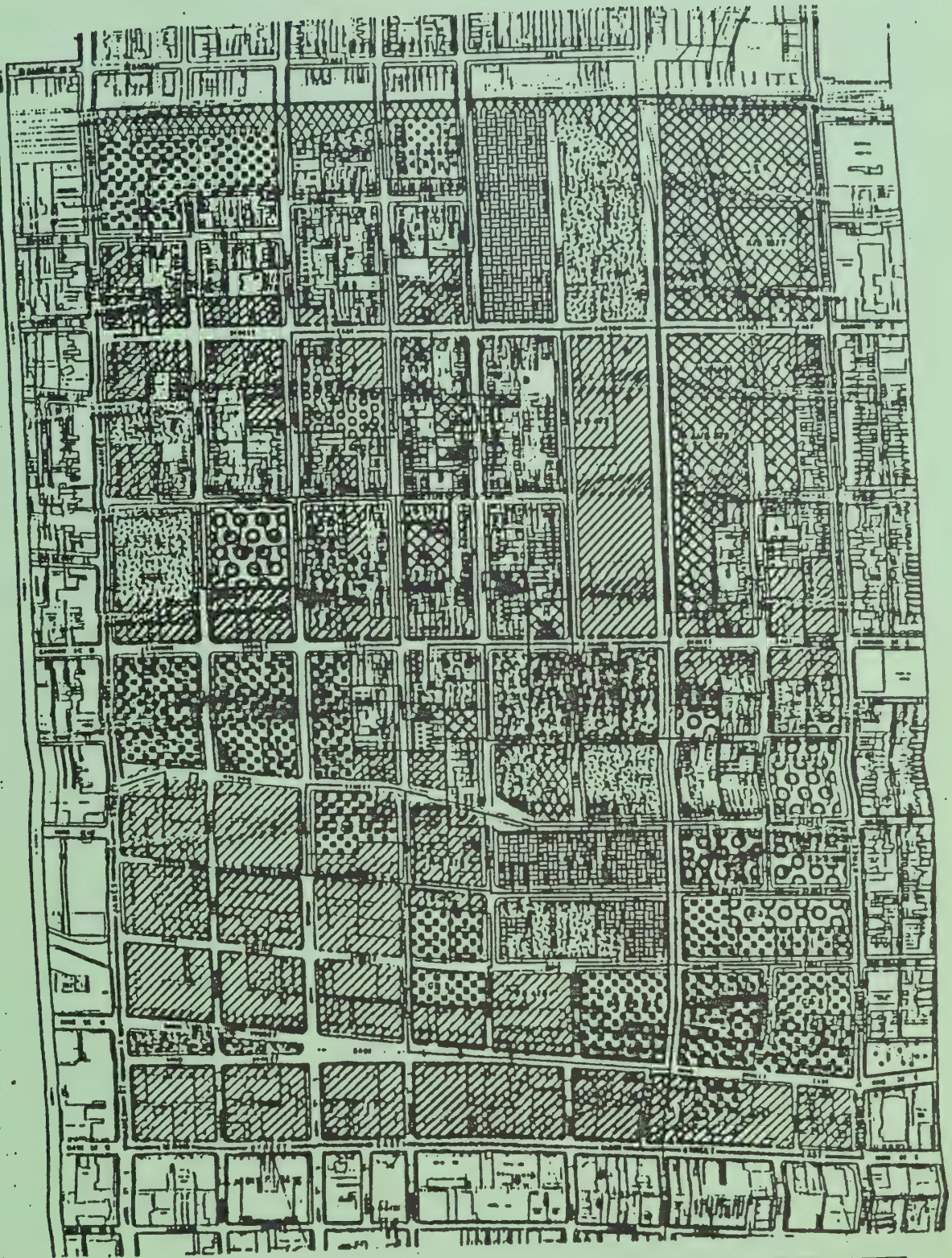
--- Neighbourhood Boundary
--- Zoning Boundary

Approved
Planning Committee on 11th June 1988 and 12/88
Latest Revision Date NOV 13, 1990

CITY OF HAMILTON
PLANNING DEPARTMENT

CENTRAL
APPROVED PLAN





NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

★ Temporary Parking
(See Zoning Application 83-73)

* Future Uses On The Site May Be Industrial, Commercial Or Residential In Accordance With The Central Area Plan Performance Standards.

All Lands Within This Neighborhood Is Subject To Site Plan Control By Law No. 80-288.

LAND USE

	single & double detached housing
	low density apartments
	medium density apartments
	high density apartments
	commercial & apartments
	COMMERCIAL
	INDUSTRIAL
	CIVIC & INSTITUTIONAL
	PARK & RECREATIONAL
	OPEN SPACE
	Future Use

--- Neighborhood Boundary
--- Existing Boundary

Approved
Planning Committee Jan 21, 1979 Council Dec. 12, 1980
Local Revision Req. JUNE 1986

CITY OF HAMILTON
PLANNING DEPARTMENT

BEASLEY

APPROVED PLAN



The Corporation of the City of Hamilton

BY-LAW NO. 91-

To Designate:

LAND LOCATED AT MUNICIPAL NO. 74 CHARLTON AVENUE EAST

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of The Corporation of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1980, Chapter 337;

AND WHEREAS the Conservation Review Board, in its report dated February 18, 1991, was "satisfied on the evidence produced by the City of Hamilton that the property is worthy of designation and that the City has acted in the best interests in approving the designation of 74 Charlton Avenue East..." and recommends "that the property in question should be designated by by-law under Part IV of the Ontario Heritage Act, as being of architectural and historical value and interest, to ensure its preservation."

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(14)(a) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The property located at Municipal No. 74 Charlton Avenue East and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of historic and architectural value and interest.
2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.
3. The City Clerk is hereby authorized and directed,
 - (i) to cause a copy of this by-law, together with reasons for the designation, to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;
 - (ii) to publish a notice of this by-law in a newspaper having general circulation in the Municipality of the City of Hamilton for three consecutive weeks.

PASSED this day of A.D. 1991.

City Clerk

Mayor

Schedule "A"

To

By-law No. 91-

74 Charlton Avenue East, Hamilton, Ontario

ALL and Singular that certain parcel or tract of land and premises, situate, lying and being on the east side of John Street, south of Charlton Avenue in Robert James Hamilton's Survey in the City of Hamilton, in The Regional Municipality of Hamilton-Wentworth which may be more particularly described as follows:

COMMENCING on the easterly side of John Street at the southwest angle of the lands conveyed by Harriet A. Luxton to Eola McCullough by deed dated the fifth day of July, 1900, and registered in the Registry Office for the Registry Division of Wentworth, as Number 71487 and being about two hundred and thirty-one feet four inches from Charlton Avenue;

THENCE following the easterly margin of John Street on a course south fifteen degrees fifteen minutes west eighty-one feet three inches more or less to a post;

THENCE south seventy degrees fifteen minutes east two hundred and thirteen feet to a post;

THENCE north fifteen degrees and fifteen minutes east parallel to John Street eighty-one feet three inches more or less to a post;

THENCE north seventy degrees fifteen minutes west two hundred and thirteen feet to the place of beginning.

Schedule "B"

to

By-law No. 9 -

REASONS FOR DESIGNATION

74 Charlton Avenue East

Context

This two-and-one-half storey brick Italianate house, situated at the south-east corner of Charlton Avenue East and John Street South, was built in 1878-9 for merchant Joseph Hancock. The house now forms part of an isolated cluster of nineteenth century buildings on John Street South, whose focal point is the impressive Gothic Revival stone structure of the Church of the Ascension. Across the street stands a row of late Victorian brick houses and to the south, Joseph Hancock's house. This surviving group is important as representative of a far larger Victorian neighbourhood in Corktown which once extended to the foot of the escarpment.

Architectural Importance

74 Charlton Avenue East constitutes a distinctive example of the Italianate style which gained widespread popularity for houses built across the country in the 1870's. Moreover, it is one of relatively few surviving in Hamilton and one of even fewer representing the classical interpretation of this style. Typical of Italianate houses are the tall round-headed windows and doorway, and the low-pitched hip roof with wide, bracketed eaves. Characteristic of the classical Italianate ones are the cubic form, symmetrical facade, and central projecting frontispiece with a pedimental gable roof. Noteworthy details include the stone lintels and caps with prominent keystones, the stone corner quoins, and the paired wooden eave brackets.

This well built and designed house still has most of its original exterior features intact, the only significant alteration being the removal of the original pairs of arched wooden entrance and vestibule doors, the latter of which displayed elaborate leaded and bevelled glass panels.

History

The house was occupied by the original owner, Joseph Hancock, until his death ca. 1887 and then by postmaster H.N. Case until 1895. In 1904, it was sold by Hancock's trustees to merchant George F. Glassco, who lived there until his death ca. 1932. The house was sold again in 1938 and was then subdivided to accommodate four tenants. After changing ownership several more times, 74 Charlton Avenue East was last purchased in 1977 by the current owner, the St. Elizabeth Home Society.

Designated Features

Important to the preservation of 74 Charlton Avenue East are the original features of north, east and west facades, including the decorative stone quoins, lintels and arches, and bracketed eaves.

The Corporation of the City of Hamilton

BY-LAW NO. 91-

To Authorize:

The Levy of a Special Charge

In Respect of:

THE INTERNATIONAL VILLAGE BUSINESS IMPROVEMENT AREA

GENERALLY COVERING BOTH SIDES OF KING STREET EAST BETWEEN
MARY STREET AND WELLINGTON STREET NORTH

WHEREAS subsection 217(17) of The Municipal Act, R.S.O. 1980, Chapter 302, provides that the Council may levy a special charge for the purposes of the Board of Management of an Improvement Area.

(17) Subject to such maximum and minimum charges as the Council may specify by by-law, the Council shall in each year levy a special charge upon persons in the area assessed for business assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the Board of Management for that area, together with interest thereon at such rate as is required to repay any interest payable by the municipality on the whole or any part of such sum, which shall be borne and paid by such persons in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

AND WHEREAS the Council of the City of Hamilton in adopting Section 15 of the Fifth Report of the Planning and Development Committee on January 29, 1991 approved the amount of \$56,470.00 for 1991, for the purpose of the Board of Management of the Business Improvement Area designated by By-law No. 87-178.

AND WHEREAS it is intended that a special charge be levied in accordance with subsection 217(17) of The Municipal Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. There is hereby levied a special charge upon persons in the Improvement Area assessed for business assessment calculated as set out in Schedule "A" hereto annexed and forming part of this by-law.

(2)

2. The special charge levied shall be sufficient to provide a sum equal to the sum of \$56,470.00 provided for the purposes of the Board of Management for the Improvement Area designated by By-law No. 87-308 together with interest, if any.

3. The special charge and interest shall be borne and paid by the persons referred to in Section 1, in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

PASSED this

day of

A.D. 1991

City Clerk

Mayor

(3)

SCHEDULE "A"

To By-law No.

1. Total assessed value of all the real property
in the area used as the basis for computing
business assessment. \$1,136,377.00

2. The Mill Rate for the special charge is calculated
by: 49.6930
 - a) dividing the approved estimates of the
Board of Management by
 - b) the total assessed value and
 - c) multiplying the result by 1,000

3. Approved estimate for 1991 \$56,470.00

The Corporation of the City of Hamilton

BY-LAW NO. 91-

To Authorize:

The Levy of a Special Charge

In Respect of:

WESTDALE VILLAGE BUSINESS IMPROVEMENT AREA

**GENERALLY COVERING KING STREET WEST AND THE AREA OF THE
INTERSECTION OF CLINE AVENUE AND KING STREET WEST AND EXTENDING
TO AN AREA WEST OF NEWTON AVENUE AND STERLING STREET**

WHEREAS subsection 217(17) of The Municipal Act, R.S.O. 1980, Chapter 302, provides that the Council may levy a special charge for the purposes of the Board of Management of an Improvement Area.

(17) Subject to such maximum and minimum charges as the Council may specify by by-law, the Council shall in each year levy a special charge upon persons in the area assessed for business assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the Board of Management for that area, together with interest thereon at such rate as is required to repay any interest payable by the municipality on the whole or any part of such sum, which shall be borne and paid by such persons in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

AND WHEREAS the Council of the City of Hamilton in adopting Section 15 of the Fifth Report of the Planning and Development Committee on January 29, 1991 approved the amount of \$30,000.00 for 1991, for the purpose of the Board of Management of the Business Improvement Area designated by By-law No. 87-178.

AND WHEREAS it is intended that a special charge be levied in accordance with subsection 217(17) of The Municipal Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. There is hereby levied a special charge upon persons in the Improvement Area assessed for business assessment calculated as set out in Schedule "A" hereto annexed and forming part of this by-law.

(2)

2. The special charge levied shall be sufficient to provide a sum equal to the sum of \$30,000.00 provided for the purposes of the Board of Management for the Improvement Area designated by By-law No. 87-308 together with interest, if any.

3. The special charge and interest shall be borne and paid by the persons referred to in Section 1, in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

PASSED this day of A.D. 1991

City Clerk

Mayor

(3)

SCHEDULE "A"

To By-law No.

1. Total assessed value of all the real property
in the area used as the basis for computing
business assessment. \$651,121.00
2. The Mill Rate for the special charge is calculated 46.0744
by:
 - a) dividing the approved estimates of the
Board of Management by
 - b) the total assessed value and
 - c) multiplying the result by 1,000
3. Approved estimate for 1991 \$30,000.00

The Corporation of the City of Hamilton

BY-LAW NO. 91-

To Authorize:

The Levy of a Special Charge

In Respect of:

BARTON STREET EAST #1 BUSINESS IMPROVEMENT AREA

GENERALLY COVERING BOTH SIDES OF BARTON STREET FROM THE WEST
SIDE OF WELLINGTON STREET TO THE EAST SIDE OF WENTWORTH STREET

WHEREAS subsection 217(17) of The Municipal Act, R.S.O. 1980, Chapter 302, provides that the Council may levy a special charge for the purposes of the Board of Management of an Improvement Area.

(17) Subject to such maximum and minimum charges as the Council may specify by by-law, the Council shall in each year levy a special charge upon persons in the area assessed for business assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the Board of Management for that area, together with interest thereon at such rate as is required to repay any interest payable by the municipality on the whole or any part of such sum, which shall be borne and paid by such persons in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

AND WHEREAS the Council of the City of Hamilton in adopting Section 15 of the Fifth Report of the Planning and Development Committee on January 29, 1991 approved the amount of \$6,000.00 for 1989, for the purpose of the Board of Management of the Business Improvement Area designated by By-law No. 87-178.

AND WHEREAS it is intended that a special charge be levied in accordance with subsection 217(17) of The Municipal Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. There is hereby levied a special charge upon persons in the Improvement Area assessed for business assessment calculated as set out in Schedule "A" hereto annexed and forming part of this by-law.

(2)

2. The special charge levied shall be sufficient to provide a sum equal to the sum of \$6,000.00 provided for the purposes of the Board of Management for the Improvement Area designated by By-law No. 87-308 together with interest, if any.

3. The special charge and interest shall be borne and paid by the persons referred to in Section 1, in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

PASSED this day of A.D. 1991

City Clerk

Mayor

(3)

SCHEDULE "A"

To By-law No.

1. Total assessed value of all the real property
in the area used as the basis for computing
business assessment. \$383,041.00
2. The Mill Rate for the special charge is calculated 15.6641
by:
 - a) dividing the approved estimates of the
Board of Management by
 - b) the total assessed value and
 - c) multiplying the result by 1,000
3. Approved estimate for 1991 \$6,000.00

The Corporation of the City of Hamilton

BY-LAW NO. 91-

To Authorize:

The Levy of a Special Charge

In Respect of:

THE OTTAWA STREET NORTH BUSINESS IMPROVEMENT AREA

**GENERALLOY COVERING OTTAWA STREET NORTH BETWEEN MAIN STREET
EAST AND EXTENDING TO AN AREA NORTH OF BARTON STREET EAST**

WHEREAS subsection 217(17) of The Municipal Act, R.S.O. 1980, Chapter 302, provides that the Council may levy a special charge for the purposes of the Board of Management of an Improvement Area.

(17) Subject to such maximum and minimum charges as the Council may specify by by-law, the Council shall in each year levy a special charge upon persons in the area assessed for business assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the Board of Management for that area, together with interest thereon at such rate as is required to repay any interest payable by the municipality on the whole or any part of such sum, which shall be borne and paid by such persons in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

AND WHEREAS the Council of the City of Hamilton in adopting Section 15 of the Fifth Report of the Planning and Development Committee on January 29, 1991 approved the amount of \$85,000.00 for 1991, for the purpose of the Board of Management of the Business Improvement Area designated by By-law No. 87-178.

AND WHEREAS it is intended that a special charge be levied in accordance with subsection 217(17) of The Municipal Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. There is hereby levied a special charge upon persons in the Improvement Area assessed for business assessment calculated as set out in Schedule "A" hereto annexed and forming part of this by-law.

(2)

2. The special charge levied shall be sufficient to provide a sum equal to the sum of \$85,000.00 provided for the purposes of the Board of Management for the Improvement Area designated by By-law No. 87-308 together with interest, if any.

3. The special charge and interest shall be borne and paid by the persons referred to in Section 1, in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

PASSED this day of A.D. 1991

City Clerk

Mayor

(3)

SCHEDULE "A"

To By-law No.

1. Total assessed value of all the real property
in the area used as the basis for computing
business assessment.
\$1,538,632.00
2. The Mill Rate for the special charge is calculated 55.2439
by:
 - a) dividing the approved estimates of the
Board of Management by
 - b) the total assessed value and
 - c) multiplying the result by 1,000
3. Approved estimate for 1991 \$85,000.00

The Corporation of the City of Hamilton

BY-LAW NO. 91-

To Authorize:

The Levy of a Special Charge

In Respect of:

THE MAIN STREET WEST BUSINESS IMPROVEMENT AREA

**GENERALLY COMPRISED OF LANDS ON THE EAST AND WEST SIDES
OF MAIN STREET WEST BETWEEN LOCKE STREET ON THE WEST AND
QUEEN STREET ON THE EAST**

WHEREAS subsection 217(17) of The Municipal Act, R.S.O. 1980, Chapter 302, provides that the Council may levy a special charge for the purposes of the Board of Management of an Improvement Area.

(17) Subject to such maximum and minimum charges as the Council may specify by by-law, the Council shall in each year levy a special charge upon persons in the area assessed for business assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the Board of Management for that area, together with interest thereon at such rate as is required to repay any interest payable by the municipality on the whole or any part of such sum, which shall be borne and paid by such persons in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

AND WHEREAS the Council of the City of Hamilton in adopting Section 15 of the Fifth Report of the Planning and Development Committee on January 29, 1991 approved the amount of \$4,000.00 for 1991, for the purpose of the Board of Management of the Business Improvement Area designated by By-law No. 87-178.

AND WHEREAS it is intended that a special charge be levied in accordance with subsection 217(17) of The Municipal Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. There is hereby levied a special charge upon persons in the Improvement Area assessed for business assessment calculated as set out in Schedule "A" hereto annexed and forming part of this by-law.

(2)

2. The special charge levied shall be sufficient to provide a sum equal to the sum of \$4,000.00 provided for the purposes of the Board of Management for the Improvement Area designated by By-law No. 87-308 together with interest, if any.

3. The special charge and interest shall be borne and paid by the persons referred to in Section 1, in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

PASSED this day of A.D. 1991

City Clerk

Mayor

(3)

SCHEDULE "A"

To By-law No.

1. Total assessed value of all the real property
in the area used as the basis for computing
business assessment. \$246,630.00
2. The Mill Rate for the special charge is calculated 16.2186
by:
 - a) dividing the approved estimates of the
Board of Management by
 - b) the total assessed value and
 - c) multiplying the result by 1,000
3. Approved estimate for 1991 \$ 4,000.00

The Corporation of the City of Hamilton

BY-LAW NO. 91

To levy the Special Charges for 1991 for the Improvement Area in the Area between King William Street, Mary Street, Main Street East and James Street, designated by By-Law 82-151

WHEREAS, pursuant to Section 217(10) of the Municipal Act, R.S.O. 1980, Chapter 302, the Board of Management for the Improvement Area has submitted Estimates for the year 1991:

AND WHEREAS, a Special Charge is to be levied to raise the sum equal to the total of the Estimates.

THEREFORE, the Council of The Corporation of the City of Hamilton enacts as follows:

1. The Estimates of the Board of Management for the Improvement Area in the area between King William Street, Mary Street, Main Street East and James Street for 1991 in the amount of \$199,000.00 are hereby approved.
2. In order to raise the said \$199,000.00 there is hereby levied a mill rate of 25.0076 as a Special Charge on the persons in the area assessed for business assessment, in accordance with By-law 82-152, as follows:
 - (1) The assessed value of all the real property in the Areas used as the basis for computing business assessment (known herein as "the Total Asses Value") is \$8,855,697
 - (2) The assessed value of the real property that is used as the basis for computing the business assessment for City Parking Holdings Limited with respect to the hotel business known as "The Royal Connaught Hotel" at 82 King Street East is 592,212
This is reduced by two-thirds 394,808
to produce the Reduced Assessed Value of that business: \$197,404
=====
 - (3) The assessed value of the real property that is used as the basis for computing the business assessment of Commonwealth Holiday Inn of Canada Limited with respect to the hotel business known as "The Holiday Inn" at 150 King Street East is 754,938
This is reduced by two-thirds 503,292
to produce the Reduced Assessed Value of the business: \$251,646
=====
 - (4) "The Reduced Total Assessed Value" is \$8,855,697 - (394,808+503,292): \$7,957,579
 - (5) The Mill Rate for the Special Charge is calculated by:
 - (a) dividing the approved estimates of the Board of Management, \$199,000

(2)

(b) by the Reduced Total Assessed Value, \$7,957,579 and

(c) multiplying the result by 1,000:
25.0076

3. The portion of the Special Charge is to be paid by the hotel business in sub-paragraph 2.(2) shall be determined by multiplying its Reduced Assessed Value by the Mill Rate.
4. The portion of the Special Charge to be paid by the hotel business in sub-paragraph 2.(3) shall be determined by multiplying its Reduced Assessed Value by the Mill Rate.
5. The portion of the Special Charge to be paid by each of the other persons in the Area assessed for business assessment shall be determined by multiplying the assessed value of the real property that is used as the basis for computing the business assessment of such person by the Mill Rate.

PASSED this day of A.D. 1991

City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 91-

To Authorize:

The Levy of a Special Charge

In Respect of:

THE CONCESSION STREET BUSINESS IMPROVEMENT AREA

**GENERALLY COMPRISED OF LANDS COVERING CONCESSION STREET
BETWEEN EAST 18TH STREET AND EAST 25TH STREET**

WHEREAS subsection 217(17) of The Municipal Act, R.S.O. 1980, Chapter 302, provides that the Council may levy a special charge for the purposes of the Board of Management of an Improvement Area.

(17) Subject to such maximum and minimum charges as the Council may specify by by-law, the Council shall in each year levy a special charge upon persons in the area assessed for business assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the Board of Management for that area, together with interest thereon at such rate as is required to repay any interest payable by the municipality on the whole or any part of such sum, which shall be borne and paid by such persons in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

AND WHEREAS the Council of the City of Hamilton in adopting Section 15 of the Fifth Report of the Planning and Development Committee on January 29, 1991 approved the amount of \$29,745.00 for 1991, for the purpose of the Board of Management of the Business Improvement Area designated by By-law No. 87-178.

AND WHEREAS it is intended that a special charge be levied in accordance with subsection 217(17) of The Municipal Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. There is hereby levied a special charge upon persons in the Improvement Area assessed for business assessment calculated as set out in Schedule "A" hereto annexed and forming part of this by-law.

(2)

2. The special charge levied shall be sufficient to provide a sum equal to the sum of \$29,745.00 provided for the purposes of the Board of Management for the Improvement Area designated by By-law No. 87-308 together with interest, if any.

3. The special charge and interest shall be borne and paid by the persons referred to in Section 1, in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

PASSED this day of A.D. 1991

City Clerk

Mayor

(3)

SCHEDULE "A"

To By-law No.

1. Total assessed value of all the real property
in the area used as the basis for computing
business assessment. \$761,525.00

2. The Mill Rate for the special charge is calculated 39.0598
by:
 - a) dividing the approved estimates of the
Board of Management by
 - b) the total assessed value and
 - c) multiplying the result by 1,000

3. Approved estimate for 1991 \$29,745.00

The Corporation of the City of Hamilton

BY-LAW NO. 91-

TO FIX THE TOTAL RATES OF TAXATION FOR
MUNICIPAL, REGIONAL AND SCHOOL PURPOSES FOR THE YEAR 1991

WHEREAS the Council of The Corporation of the City of Hamilton has approved By-laws 91- , 91- and 91- being By-laws to impose rates of taxation for the year 1991 for:

- (a) Municipal purposes
- (b) Regional purposes
- (c) Education purposes

AND WHEREAS it is intended to consolidate herein the levies referred to in said by-laws.

NOW THEREFORE The Council of The Corporation of the City of Hamilton enacts as follows:

1. The total rate to be levied against "residential" assessments determined as required by The Municipal Act:
 - (a) by Public School supporters is 376.0847 on the dollar, and
 - (b) by Separate School supporters is 376.0847 on the dollar.
2. The total rate to be levied against "non-residential" assessments determined as required by The Municipal Act:
 - (a) by Public School supporters is 442.4526 on the dollar, and
 - (b) by Separate School supporters is 442.4526 on the dollar.
3. This By-law comes into force on the date on which it is enacted by The council of The Corporation of the City of Hamilton.

PASSED this day of

A.D., 1991.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 91-

TO FIX THE RATES OF TAXATION
FOR MUNICIPAL PURPOSES FOR THE YEAR 1991

WHEREAS the Estimates, as prepared by the Finance Committee for the year 1991 which set forth the revenues and expenditures of the Corporation of the City of Hamilton, were approved by the Council of the Corporation of the City of Hamilton on March 21, 1991, and

WHEREAS it is necessary to impose rates of taxation for the year 1991,

THEREFORE, the Council of The Corporation of the City of Hamilton enacts as follows:

1. That there shall be levied and raised on the whole of the rateable property of the Corporation of the City of Hamilton in the amount of \$1,000,609,170.00, of which \$573,376,352.00 is Residential assessment and \$427,232,818.00 is Non-residential assessment, the following rates of taxation:
 - (1) For general municipal purposes 116.0771 mills
producing \$116,147,810.00
 - (2) The amount to be levied and raised against "residential" assessments in the amount of \$573,376,352.00 determined as required by The Municipal Act shall be reduced by \$9,983,390.00 or 17.4116 mills in accordance with Section 7(3) of The Ontario Unconditional Grants Act 1975 \$ 9,983,390.00

\$106,164,420.00
=====
2. The rate to be levied against "residential" assessments determined as required by The Municipal Act for Municipal purposes is 98.6655 mills on the dollar.
3. The rate to be levied against "non-residential" assessments determined as required by The Municipal Act for Municipal purposes is 116.0771 mills on the dollar.
4. This by-law comes into force on the date on which it is enacted by the Council of The Corporation of the City of Hamilton.

PASSED this day of A.D., 1991.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 91-

TO FIX THE RATES OF TAXATION FOR REGIONAL PURPOSES FOR THE YEAR 1991

WHEREAS the Regional Municipality of Hamilton-Wentworth has approved the requisition to The Corporation of the City of Hamilton for \$115,851,352.00 representing the City of Hamilton's share of the cost of operating the Regional Municipality of Hamilton-Wentworth for the year 1991.

WHEREAS after the deduction of \$8,687,840.00 of 1991 estimated shared revenues, the funds for which have been provided in the City of Hamilton 1991 Estimates, and the addition of the 1990 underlevy in the amount of \$41,101.00, it is intended to levy against the ratepayers of the City of Hamilton the resulting net amount of \$107,204,613.00 for the year 1991.

NOW THEREFORE The Council of The Corporation of the City of Hamilton enacts as follows:

1. The estimated Corporation of the City of Hamilton's share of the Regional Municipality of Hamilton-Wentworth's 1991 levy, in the amount of \$115,851,352.00 is hereby adopted as part of the 1991 Estimates of The Corporation of the City of Hamilton.

2. That there shall be levied and raised on the whole of the rateable property of The Corporation of the City of Hamilton in the amount of \$1,000,609,170.00 of which \$573,376,352.00 is Residential assessment and \$427,232,818.00 is Non-residential assessment, the following rates of taxation:

(1) for Regional purposes 117.2144 mills producing.. \$117,285,800.00

(2) the amount to be levied and raised against "residential" assessments in the amount of \$573,376,352.00 determined as required by The Municipal Act shall be reduced by \$10,081,190.00 or 17.5822 mills in accordance with Section 7(3) of The Ontario Unconditional Grants Act 1975 \$ 10,081,190.00

\$107,204,610.00
=====

(3) the rate to be levied against "residential" assessments determined as required by The Municipal Act for Regional purposes is 99.6322 mills on the dollar

(4) the rate to be levied against "non-residential" assessments determined as required by The Municipal Act for Regional purposes is 117.2144 mills on the dollar

(5) this by-law comes into force on the date on which it is enacted by the Council of The Corporation of the City of Hamilton.

PASSED this

day of

A.D., 1991.

67

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 91-

TO FIX THE RATES OF TAXATION FOR SCHOOL PURPOSES FOR THE YEAR 1991

WHEREAS the estimates of revenues and expenditures of the Board of Education for the City of Hamilton and the Hamilton-Wentworth Roman Catholic Separate School Board, for school purposes, have been submitted to the Finance and Administration Committee of the City of Hamilton.

WHEREAS it is necessary to impose rates of taxation for the year 1991 for school purposes.

THEREFORE, the Council of The Corporation of the City of Hamilton enacts as follows,

1. That there shall be levied and raised on the whole of the rateable property of The Corporation of the City of Hamilton in the amount of \$1,000,609,170.00, of which \$573,376,352.00 is Residential assessment and \$427,232,818.00 is Non-residential assessment, the following rates of taxation,
 - (a) for Public School elementary purposes on all rateable property in the amount of \$801,609,260.00 of which \$419,246,737.00 is Residential assessment and \$382,362,523.00 is Non-residential assessment, liable for Public School rates 125.3201 mills producing\$100,457,750.00
 - (b) for Separate School elementary purposes 125.3201 mills on all rateable property in the amount of \$198,999,910.00, of which \$154,129,615.00 is Residential assessment and \$44,870,295.00 is Non-residential assessment, liable for Separate School rates and which rate was imposed thereon by the Hamilton-Wentworth Roman Catholic Separate School Board and which rate the said Board has requested the Council to levy producing 24,938,690.00
 - (c) for Public School secondary purposes on all rateable property in the amount of \$801,609,260.00 of which \$419,246,737.00 is Residential assessment and \$382,362,523.00 is Non-residential assessment, liable for Secondary School rates 83.8410 mills producing 67,207,720.00
 - (d) for Separate School Secondary purposes 83.8410 mills on all rateable property in the amount of \$198,999,910.00 of which \$154,129,615.00 is Residential assessment and \$44,870,295.00 is Non-residential assessment liable for Separate School rates and which rate was imposed thereon by the Hamilton-Wentworth Roman Catholic Separate School Board and which rate the said Board has requested the Council to levy producing 16,684,350.00

\$209,288,510.00

- (e) The amount to be levied and raised against assessments in the amount of \$419,246,737.00 determined as required by The Municipal Act shall be reduced by \$7,881,010.00 or 18.7980 mills which is the amount of the estimated revenue from payments to be received by the Board of Education of The Corporation of the City of Hamilton in 1991 under The Education Act, 1974 \$ 7,881,010.00
- (f) The amount to be levied and raised against assessments in the amount of \$154,129,615.00 determined as required by The Municipal Act shall be reduced by \$2,897,330.00 or 18.7980 mills which is the amount of the estimated revenue from payments to be received by the Hamilton-Wentworth Roman Catholic Separate School Board in 1991 under the Education Act, 1974 2,897,330.00
- (g) the amount to be levied and raised against assessments in the amount of \$419,246,737.00 determined as required by The Municipal Act shall be reduced by \$5,272,520.00 or 12.5761 mills which is the amount of the estimated revenue from payments to be received by The Board of Education of The Corporation of the City of Hamilton in 1991 under The Education Act, 1974 5,272,520.00
- (h) The amount to be levied and raised against assessments in the amount of \$154,129,615.00 determined as required by The Municipal Act shall be reduced by \$1,938,360.00 or 12.5761 mills which is the amount of the estimated revenue from payments to be received by the Hamilton-Wentworth Roman Catholic Separate School Board in 1991 under The Education Act, 1974 1,938,360.00
- \$191,299,290.00
=====
2. The Education rate to be levied against "residential" assessments determined as required by The Municipal Act:
- (a) by Public School supporters is 177.7870 mills on the dollar, and
- (b) by Separate School supporters is 177.7870 mills on the dollar.
3. The Education rate to be levied against "non-residential" assessments determined as required by The Municipal Act:
- (a) by Public School supporters is 209.1611 mills on the dollar, and
- (b) by Separate School supporters is 209.1611 mills on the dollar.
4. The By-law comes into force on the date on which it is enacted by the Council of The Corporation of the City of Hamilton.

PASSED this

day of

A.D., 1991.

CITY CLERK

69

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 91-

To Levy:

AN ANNUAL TAX ON TELEPHONE COMPANIES DOING BUSINESS IN ONTARIO

Respecting:

THE BELL TELEPHONE COMPANY OF CANADA

WHEREAS Section 161 of The Municipal Act, R.S.O. 1980, Chap. 302, empowers the Council of The Corporation of the City of Hamilton to levy on every telephone company doing business in Ontario an annual tax equal to 5 per cent of the total gross receipts of such company for the preceding year;

AND WHEREAS The Bell Telephone Company of Canada is a telephone company doing business in the Municipality of the City of Hamilton;

AND WHEREAS the gross receipts of The Bell Telephone Company of Canada, doing business within the Municipality of the City of Hamilton is in the amount of \$126,405,059.00 the year ended the 31st day of December, 1989;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. It is hereby authorized and directed that a tax for the fiscal year ended December 31, 1989, be levied on the Bell Telephone Company of Canada Limited in the amount of \$6,320,252.95.
2. That the tax levied hereunder shall be collected in the same manner as municipal taxes are collectible and is a special lien under Section 369 of The Municipal Act on all the lands of The Bell Telephone Company of Canada.

PASSED this

day of

A.D., 1990.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 91-

Respecting:

INDEMNIFICATION OF EMPLOYEES

WHEREAS subsection 50 of Section 208 of the Municipal Act, R.S.O. 1980, Chapter 302, as amended, allows municipalities to pass by-laws to protect employees of a municipality against risks that may involve liability on the part of the employee and for paying any damages or costs awarded against the employee or expense incurred by the employee as a result of any action or proceeding arising out of the acts or omissions done or made by any employee in their capacity as employee, including while acting in the performance of any statutory duty or for paying any sum required in connection with the settlement of an action or other proceeding and for assuming the cost of defending the employee in such an action or proceeding;

AND WHEREAS on July 29, 1980 City Council, in adopting Item 25 of the 35th Report of the Board of Control, adopted a policy to pay the damages or costs or expenses incurred by an employee of the Corporation as a result of a proceeding arising out of the acts or omissions done or made by them in their capacity as employees.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. In this by-law

- (a) "Corporation" means The Corporation of the City of Hamilton;
- (b) "employee" means any person employed by the Corporation or a Local Board and includes any person who provides services on behalf of the Corporation without remuneration exclusive of expenses or honoraria;
- (c) "Local Board" means a local board as defined in the Municipal Affairs Act, R.S.O. 1980, Chapter 303, as amended, as far as applicable to the Corporation.

2. The Corporation hereby designates all persons who provide their services to the Corporation without remuneration, except for reimbursement of expenses and honoraria, as employees of the Corporation only for the purpose of this by-law.

3. The Corporation agrees to pay for any damages or costs awarded against any employee of the Corporation or expenses incurred by them as a result of any action or other proceeding arising out of acts or omissions done or made by them in their capacity as employees of the Corporation, including while acting in the performance of any statutory duty imposed by any Act or for paying any sum required in connection with the settlement of any action or other proceeding and for assuming the cost of defending an employee in such action or proceeding.

4. The indemnification of an employee, as provided for in Section 3, does not apply to the payment of any damages or costs awarded by a court or agreed to by settlement of an action or other proceeding for an employee who is found guilty of a criminal offence under the Criminal Code, R.S.C. 1985, Chapter C-46, as amended.

5. The indemnification of an employee, as provided for in Section 3, includes a person who was an employee at the time the cause of action or other proceeding arose, but who prior to judgment or other settlement of the action or proceeding has ceased to be an employee.

6. This by-law does not apply to an act or omission that occurred prior to the 20th day of June 1978.

PASSED this day of A.D. 1991.

City Clerk

Mayor

(1991) R.F.A.C.

The Corporation of the City of Hamilton

BY-LAW NO. 91-

Respecting:

INDEMNIFICATION OF MEMBERS OF CITY COUNCIL

WHEREAS Section 248 of the Municipal Act, R.S.O. 1980, Chapter 302, authorizes the municipality to pass by-laws to contract for insurance, or to act as an insurer for the purpose of protecting the members of the council of the municipality or of any local board thereof, as defined in the Municipal Affairs Act, against risks that may involve liability on the part of the members and for paying premiums therefor or for paying any damages or costs awarded against such member or expenses incurred by them as a result of any action or other proceeding, except a proceeding brought under the Municipal Conflict of Interest Act, 1983, arising out of acts or omissions done or made by them in their capacity as members or officers of the municipality or local board including while acting in the performance of any statutory duty or for paying any sum required in connection with the settlement of an action or other proceeding and for assuming the cost of defending the member in such an action or other proceeding.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. In this by-law,
 - (a) "Corporation" means The Corporation of the City of Hamilton;
 - (b) "local board" means a local board as defined in the Municipal Affairs Act, R.S.O. 1980, Chapter 303, as amended, as far as applicable to the Corporation;
 - (c) "member of council" includes the head of council.
2. The Corporation agrees to pay for any damages or costs awarded against any member of council of the Corporation or expenses incurred by them as a result of any action or other proceeding arising out of acts or omissions done or made by them in their capacity as members of council of the Corporation, including while acting in the performance of any statutory duty imposed by any Act or for paying any sum required in connection with the settlement of any action or other proceeding and for assuming the cost of defending the member in such action or proceeding.
3. The indemnification of a member of council, as provided for in Section 3, includes a person who was a member of council at the time the cause of action or other proceeding arose, but who prior to judgment or other settlement of the action or proceeding has ceased to be a member of council.

4. The indemnification of a member of council, as provided for in Sections 2 and 3, does not apply to any proceeding brought under the Municipal Conflict of Interest Act, 1983, S.O. 1983, Chapter 8.

5. This by-law does not apply to an act or omission that occurred prior to the 15th day of December 1978.

PASSED this day of 1991.

City Clerk

Mayor

(1991) R.F.A.C.

BY-LAW NO. 91 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 30th DAY OF APRIL A.D., 1991.

WHEREAS by Section 19 of The Municipal Act, being Chapter 302 of the Revised Statutes of Ontario, 1980, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 103 of The Municipal Act, being Chapter 302 of the Revised Statutes of Ontario 1980, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Deputy City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this day of A.D. 1991

CITY CLERK

MAYOR

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25071	BLACK
25072	LIGHT BLUE
25073	DARK BLUE
25074	LIGHT GRAY
25075	LIGHT GREEN
25076	DARK GREEN
25077	TANGERINE
25078	RED
25079	EXECUTIVE RED

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